HOUSE OF REPRESENTATIVES—*Tuesday, April 7, 1992*

The House met at 12 noon.

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

O gracious God, from whom has come the creation of the whole world and whose power has given all life and love, we give thanks for every good gift. May Your blessing, O God, that is above all we could ask or imagine, be with us and bless each of us in the depths of our own hearts. In the stillness of this moment of prayer, we place before You our own needs, asking that You would give us renewed hope and life this day and every day. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey [Mr. ZIMMER] please come forward and lead the House in the Pledge of Allegiance?

Mr. ZIMMER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2507. An act to amend the Public Health Service Act to revie and extend the programs of the National Institutes of Health, and for other purposes.

LETTER TO THE PRESIDENT

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

Mr. BONIOR. Mr. Speaker, the President has a plan to provide billions in aid to the former Soviet Republic, a billion to stabilize the ruble.

Today, the gentleman from West Virginia [Mr. WISE] and I will circulate a letter to be presented to the President, and it says this:

Jobs for Americans must come first. We have 7.3 percent of our people in this country out of work, and, if you include those who are discouraged and those who have part-time jobs, looking for full time, it approaches close to 14 percent. It's fine to help the ex-Soviet states, but what about the United States?

Mr. Speaker, our letter says we will support the President's plan once he supports two things, first, an extension of unemployment benefits; and, second, an accelerated jobs bill to speed up the creation of jobs here at home.

I urge my colleagues to sign the letter. Let us tell the President we will join him in helping stabilize the ruble once he joins us in helping Americans trying to earn a buck.

DEMOCRAT-CONTROLLED CONGRESS' ABUSE OF POWER: HOUSE POST OFFICE—MAKE ALL GAO REPORTS PUBLIC

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

Mr. BALLENGER. Mr. Speaker, marble floors in elevators; unauthorized construction in the Capitol; Members of the House writing hot checks out of the Democrat-controlled bank to cover last minute campaign expenses; embezzlement and cocaine sales at the Democrat-controlled post office. Where will it end?

The House has been brought into disrepute. The people do not trust us. And, sadly, we no longer trust ourselves. And with good reason. The secrecy with which the Democrat-controlled House has been run in these last years has now come home to roost. Members have not been made aware of problems. It appears that much time and effort went into covering these problems rather than bringing them into the light of day so we could fix them.

Now we learn that the GAO tried to sound the alarm on some of these problems as early as 1984. And their advice went unheeded. Where will it end?

Mr. Speaker, I ask now that you make public all GAO reports in your possession concerning the Democrat-controlled bank and the post office—unedited and unsanitized. Only when we know the full extent of the problem may we undertake the bold action necessary to fix the problems and to prevent them from ever happening again.

AMERICA IS PROCHOICE

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

Mr. EDWARDS of California. Mr. Speaker, once again President Bush has decided to pander to the right wing, this time by filing an amicus brief, a friend-of-the-court brief, in the Pennsylvania case before the Supreme Court. Initially, President Bush had decided not to file this brief. But the enormous success of the prochoice march this weekend must have dismayed his supporters, and they must have insisted that this brief be filed.

America is prochoice. By continuing to highlight this antichoice position, President Bush is only digging in deeper. And, by insisting in the brief that life begins at conception, the administration would impose a particular religious belief on the rest of us when most religions do not share that belief.

Mr. Speaker, President Bush's insistence is just a cynical sop thrown to his supporters who apparently are very much dismayed at the success of the ProChoice march this weekend.

DEMOCRAT-CONTROLLED CONGRESS' ABUSE OF POWER: HOUSE POST OFFICE—DEMOCRATS MORE CONCERNED ABOUT PATRONAGE THAN FIXING THE PROBLEMS

(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, the mismanagement of the House post office by the House Democrat leadership continues as evidenced by the surprise audit by the General Accounting Office just 2 weeks ago.

The GAO indicated a number of shortcomings in the House post office system as designated in the April 4 issue of the Congressional Quarterly. Among these shortcomings were an "open vault with keys in it" containing a stack of $100 money orders worth $75,000; cash shortages in significant amounts; personal funds being "commingled with public funds;" mishandling of important documents showing gross financial mismanagement and other similar incidents.

The post office and bank scandals are indications of the overall Democrat leadership mismanagement of this House. Is it any wonder the Federal Government now has deficits of $400 billion a year when the House Democrat leadership can't even manage a tiny post office system and a tiny bank? As usual, the Democrats are more concerned about patronage than

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the quality of services provided by House officers like the postmaster and the Sergeant at Arms.

Mr. Speaker, incompetent management by the Democrat leadership in this House have created all the scandals during the past year. Mr. Speaker, you must realize all the GAO reports, not only about the House post office, but about the House bank, and do it now.

ADMINISTRATION'S ANSWER TO PROCHOICE RALLY

(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, hundreds of thousands of families came to Washington this weekend to speak for choice, and yesterday, unfortunately, the administration answered. It accepted Soliciter General Ken Starr to the court to enter an appearance on behalf of the administration in the Pennsylvania case requesting Roe versus Wade be overturned. Starr said in his brief to the court:

> A State's interest in protecting fetal life throughout pregnancy overweighs a woman's liberty.

Mr. Speaker, that tells us how this administration views women. They have no fundamental rights or liberties, and, while they have not done such a good job managing the debt, or managing this Government, or regulation or anything else, they are going to take time to manage women's lives and do everything that they can to put restrictions on women's most private health choices and personal religious choices.

Mr. Speaker, that is not what this country is about. The people who were here on Sunday understood what this country is about. This country is big enough for more than one opinion, and it is outrageous that this country would treat over half of its citizens as less than citizens, as the administration did yesterday by asking for this 20-year constitutional right to be rescinded.

□ 1210

ANOTHER HOUSE BANK FOR MEMBERS—CAMPAIGN FINANCE REFORM

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

Mr. HENRY. Mr. Speaker, belatedly but blessedly, the House closed down its bank. How shocked we ought to be and how shocked the American people ought to be, however, to learn that now the leadership this week wants to open up a new bank for Members called campaign finance reform. This new bank would give every incumbent Member of Congress a $200,000 line of credit paid for by the taxpayer to finance Members' elections. Note that in this so-called campaign finance reform, to be eligible for the $200,000 taxpayer-subsidized line of credit as an incumbent Member of Congress, one would not have to raise one single penny from individual contributions within one's own congressional district. Yes, there would be so-called private match, but there would be no assurance that any of this matching is drawn from those who are called upon to cast judgment upon the electability of a Member.

Mr. Speaker, we have closed down one bank. Let us not open another.

A COMMITMENT TO FREEDOM AND LIBERTY

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

Mrs. MINK. Mr. Speaker, this Nation witnessed on Sunday a spectacular expression of commitment to freedom and liberty. Over half a million people—men, women, and children—assembled to express their belief in themselves and in their country and in their country's ability to understand the deepest signal of freedom and liberty that is expressed in many of our court decisions that have become part of the fabric of this country. That is exactly what Roe versus Wade has meant to millions of people across this land.

The march on Sunday was a march of freedom, an expression of determination that our freedom is not going to be taken away by mere people.

So I am astounded today to learn that the President has decided to file and did indeed file a brief. For the first time in the history of this country a President and his administration have asked for the withdrawal of a fundamental liberty given to the citizens of this country. This matter of Roe versus Wade is a matter of freedom, and if women are to be free and equal citizens of this country, that decision has to be maintained.

WASHINGTON POST FINDS ABORTION RIGHTS MARCHERS DO NOT REPRESENT THE VIEW OF MAJORITY OF AMERICANS

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

Mr. SMITH of New Jersey. Madam Speaker, the Washington Post probed past the obvious in its coverage of Sunday's proabortion march in Washington and found exactly what many of us have been saying for some time: mainstream America is pro-life and the abortion rights activists do not speak for most Americans.

The Post randomly interviewed 881 demonstrators and found that:

> Virtually all of those who marched yesterday favor abortion in cases where parents do not want or cannot afford another child—circumstances under which majorities of Americans say abortion should not be legal.
>
> Nearly eight out of ten said they were politically liberal, an ideology they share with about a third of all Americans. Only 4% said they were politically conservative, and 16% identified themselves as moderates. Six out of ten said they were Democrats. Only 5% said they were Republicans.
>
> Six out of ten said they had previously participated in an abortion rights rally or demonstration.
>
> A third of the demonstrators said they had attended a rally in support of gay or lesbian rights, and an equal proportion had participated in an organized demonstration against the Persian Gulf War.
>
> Nine out of ten rally participants also said a pregnant teenager should not have to notify a parent before obtaining an abortion, a view shared by only 18% of those in the national survey * * *.

Just as the abortion rights marchers are out of step with the American public, their priority agenda item—the so-called Freedom of Choice Act—does not enjoy public support. This legislation—H.R. 25, S. 25—"would impose on all 50 States an unprecedented regime of abortion on demand," according to Attorney General William Barr.

The Post poll, along with Gallup, Wirthlin, and others, demonstrates that a majority of the American public is opposed to abortions which are performed for social and economic reasons. These are the reasons for which most abortions are performed, according to the Alan Guttmacher Institute—the research arm of Planned Parenthood.

Madam Speaker, the Post performed a valuable public service in showing us who the proabortionists really are and that they are out of the mainstream by a wide margin.

CAMPAIGN FINANCE REFORM DESERVES MEMBERS' SUPPORT

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

Mr. MAZZOLI. Madam Speaker, this week the House has an opportunity to take a positive step toward restoring waning public confidence in government, not just the Federal Government but all government, and that is by passing resoundingly the conference report on campaign finance reform. The bill is not a great bill, but it is a good bill and a very strong step forward in extricating the political process from the coils of big money and big special interests. It calls for limiting campaign contributions, it calls for limiting campaign expenditures, it calls for eliminating bundling, and it calls for restricting the use of soft money.

I would prefer at some point to see political action committees entirely

banned and contributions severely reduced but that will be for a later day.

Madam Speaker, I understand the President has vowed to veto this bill. I hope that the President will reconsider. This is a good bill. It is a step forward. I hope the President will sign it into law.

GOTTI CONVICTION IS MAJOR STEP IN WAR AGAINST CRIME

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

Mr. OXLEY. Madam Speaker, it was a decade ago that President Ronald Reagan declared war on the mob, calling it this dark, evil enemy within. In the intervening years literally hundreds of gangsters have been caught and convicted, but none bigger than Don John Gotti.

Gotti was convicted of 13 felonies, including 6 murder counts, last Thursday in New York City. Every charge stuck to the former "Teflon Don," culminating a 6-year campaign by Federal prosecutors. He now faces possible life in prison when sentenced on June 23.

The investigators and prosecutors of the Federal Bureau of Investigation and the Justice Department deserve enormous credit for their skill and perseverance. The judge and jurors earned equal praise for their good judgment, mettle, and courage.

The war against organized crime is far from over, but a major battle has been won. It is only appropriate to thank the soldiers who fought it.

UNTIE THE GAG RULE

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

Mr. ANDERSON. Madam Speaker, the countdown has begun. Two weeks ago the administration released a guidance memo on new abortion regulations for title 10 clinics, commonly referred to as the gag rule. Sixty days from now family planning clinics will be forced to withhold information from patients. In the memo the administration stated that doctors will have the authority to discuss medical information with their patients. I am sure the President is aware that a vast majority of counseling at title 10 clinics is handled by nurses or physician assistants, not doctors. In effect, while appearing to compromise, the administration has put family planning clinics in the cruel position of choosing between reducing services or denying information. If these clinics wish to give poor women access to all available medical information, they will be forced to hire doctors to do all of the counseling. This is a luxury they cannot afford without vastly reducing the number of women they serve. The other option is to deny poor women medical information. I cannot support either option.

The administration is trying to convince the public that it has taken the gag out of the gag rule. However, even with this recent clarification, women will be prohibited from receiving full information on all pregnancy options. It is left to Congress to correct this restrictive policy. The clock is ticking, the gag rule must be untied.

"LOVE ME TENDER" OR "HOUND DOG"

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

Mr. TRAFICANT. Madam Speaker, it is decision time. America is on fire, and never before have voters had to make such a crucial decision. And make no mistake, only one will be chosen, like it or not.

I am not talking about Brown or Clinton today. I am talking about Elvis. Will it be the old or the young, the clean-shaven or the sideburns? Will it be "Love Me Tender" or "Hound Dog"?

But the tragedy is, Madam Speaker, that there will be more people voting for Elvis than will vote in the Democratic primary, and they will pay 29 cents to vote for Elvis.

This may be great for Elvis fans, but it is "Heartbreak Hotel" for the Democratic Party and the rest of the country.

CAMPAIGN SPENDING CHANGES ARE NEEDED

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

Mr. GLICKMAN. Madam Speaker, it is time to pass campaign law changes, and the bill we have before us this week is a first start. Frankly, it is a much weaker proposal than I would like to see. I would rather see much stricter limits on campaign spending to reduce the obscene costs of Senate and House races, but the bill does open the door to reducing special interest dominance of the American political process.

Contributions of $250 or less are rewarded in a special way, and perhaps those contributions will begin to squeeze out reliance on $1,000 individual contributions and $5,000 PAC checks. The bill will cause us to focus on fundraising efforts at home, rather than at breakfast and evening receptions at the Republican and Democratic Clubs in Washington, which have been all too frequent occurrences in recent years.

These are tough times for American politicians. But these are even tougher times for the struggling American voter. The message from the public to politicians this year is—"Put yourselves in our shoes and do not separate yourselves from your communities." Opening the door to greater citizen control of campaigns is a good first step.

Madam Speaker, H. Ross Perot has said, "The people own the country." This bill is a small important first step to reinforce that right.

□ 1220

COMPREHENSIVE AIDS PROGRAM NEEDED NOW

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

Mr. BURTON of Indiana. Madam Speaker, recently I received information that a number of high schools in the country are finding that more and more high school students are testing HIV positive. Recently we also found out that approximately 80 percent of the high school and college students around the country are sexually active, and I do not think that is any big surprise to anybody.

But the fact of the matter is this deadly disease AIDS is spreading silently through the future generations of this country. The future of this country depends upon these young people. Unless we take steps to protect these young people and educate them and create the kind of environment that is going to protect their lives and their future, we are going to see a terrible catastrophe, not only in the health care field, but in the economy of this country.

Madam Speaker, I have said on this floor many times that we have right now over 300,000 people dead or dying of the AIDS virus. By the mid-1990's it is going to be well over 1 million. Many of these are going to be young people.

So I say to my colleagues one more time, if we are going to do the right thing and protect the public in this country, we are going to have to come up with a comprehensive program to deal with this terrible pandemic, including education, scientific research, testing, contact tracing, protection of civil rights, and penalties for those who knowingly spread the disease. We cannot keep our head in a sack on this issue any longer.

THE REAL PERK OFFENDERS IN AMERICA

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

Mr. APPLEGATE. Madam Speaker, I think what we ought to do is try to get our priorities straight. We hear all

these Republicans, particularly, coming up here and knocking the Democrats about the bank scandal, if it is a bank scandal. It is nothing but a cover for all the indebtedness that the Republicans are heaping down upon the Democrats, the Republicans, the independents, and everybody else.

This pales alongside of George Bush, the king of check bouncers. He gave us one for $1.5 trillion, and it was $400 billion insufficient funds. How is it going to be covered and who is talking about it?

What about George Bush, who is the king of perks, with his 100 servants, his myriads of limos, his golf courses, his Air Force One which he runs around the country campaigning in. Yes, it costs $30,000 an hour, and he gives regular rates and says he is paying for it.

Come on, America. Let us wake up and find out where the real problem is and where the real offenders are.

AMERICA WANTS AN ISSUE-ORIENTED ELECTION

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

Mr. NAGLE. Madam Speaker, I listened with some puzzlement to my colleagues this morning from the Republican side. I did not realize the Speaker had taken a gun and held it at their heads and forced them to write all those checks on that bank. Somewhere I missed something as to why it would be solely our responsibility for their personal finances.

It is an unfortunate situation, the rule changes abused by some on both sides of the aisle.

Why then would they try to make it a Democratic problem solely? It is very simple.

I would like to introduce myself. I am a Member of the Congress of the United States. But for all of 1992, to cover the absence of a Republican legislative agenda, I shall be forever known as Willie Horton. This is one more of the President's attempts to shift the balance of blame and responsibility from the failure of his own policies to the back of the opposition.

The American people, however, are too smart for that. When all the dust has cleared, when the recriminations are over, this country wants an issue-oriented election in the fall, and there I think my side of the aisle will stand very well and very strong.

DEMOCRATS HAVE CONTROLLED HOUSE FOR 38 YEARS

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

Mr. WALKER. Madam Speaker, for the edification of some of those on the Democratic side who do not seem to understand, the problem in the House bank arose from the fact the Democrats have controlled this body for 38 years and have picked all the officers and have made all the decisions with regard to the policies that ran the House bank, the House post office, and the other constitutional officers in this body.

Not one Republican has ever voted for any of those officers, not one Republican has ever voted for any of those policies, and now the Democrats, who have been responsible for all of those policies, want to duck the blame.

I am sorry, folks, the blame is yours, completely, and irrefutably.

There is no Republican that has ever voted for any of these things for the last 38 years. You have given us one vote on opening day, and then you have used your power to conduct things the way you wanted it.

The way you wanted it resulted in chaos, confusion, and scandal. The country cannot continue any longer to have the kind of operation of the House of Representatives that daily holds us up to ridicule and scandal throughout the country.

We need change. We need reform. Republicans are determined to work toward reform, but the Democrats cannot continue to come to the well and say, "Oh, we had nothing to do with it." You had everything to do with it, folks.

WOMEN WILL NOT GO QUIETLY BACK INTO THE NIGHT

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

Ms. NORTON. Madam Speaker, we will not go quietly back into the night. So said the three quarters of a million Americans who gathered in the bright sun here on Sunday. Bush administration lawyers may be able to argue their way back before this count. But we must see that they do not carry women with them. The Freedom of Choice Act has now become imperative.

The administration's brief in Planned Parenthood of Southeastern Pennsylvania versus Casey looked back to where we must not go. The brief argued that a woman's reproductive right should be reduced precipitously from fundamental to one that can be judged by the lowest constitutional standard—a legitimate State interest.

Madam Speaker, women's bodies cannot be regulated like rancid meat. The State's interest lies in protecting the fundamental right to choose, not destroying it. Only the Freedom of Choice Act can stop the march backward into discredited history.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, DC, *April 3, 1992.*

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, April 3, 1992 and said to contain a message from the President wherein he transmits a report pursuant to subsection 402 (c)(2)(A) of the Trade Act of 1974 (Jackson-Vanik Amendment), determinating that a waiver is desirable with regard to Armenia, Belarus, Kyrgyzstan, and Russia. A copy of Presidential Determination No. 92-20 is attached.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

WAIVER OF CERTAIN PORTIONS OF TRADE ACT OF 1974 RELATING TO EMIGRATION PRACTICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-283)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to subsection 402(c)(2)(A) of the Trade Act of 1974 (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Armenia, Belarus, Kyrgyzstan, and Russia will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Armenia, Belarus, Kyrgyzstan, and Russia required by subsection 402(c)(2)(B) of the Act. This letter constitutes the report to the Congress required by subsection 402(c)(2).

Pursuant to subsection 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Armenia, Belarus, Kyrgyzstan, and Russia.

GEORGE BUSH.

THE WHITE HOUSE, *April 3, 1992.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after the debate has concluded on all motions to suspend the rules.

EDWARD P. BOLAND DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. MONTGOMERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4184) to designate the Department of Veterans Affairs Medical Center located in Northampton, MA, as the Edward P. Boland Department of Veterans Affairs Medical Center.

The Clerk read as follows:

H.R. 4184

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

SECTION 1. DESIGNATION.

The Department of Veterans Affairs Medical Center located in Northampton, Massachusetts, shall be known and designated as the "Edward P. Boland Department of Veterans Affairs Medical Center".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the medical center referred to in section 1 shall be deemed to be a reference to the "Edward P. Boland Department of Veterans Affairs Medical Center".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Florida [Mr. JAMES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Madam 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. 4184.

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

There was no objection.

□ 1240

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

Mr. SPEAKER, our friend and distinguished colleague, Eddie Boland, devoted most of his life to his country, his State, and his family. He served for 36 years in this body as a Representative of the Second Congressional District of the State of Massachusetts. Thirty-six years of service in the House is, in itself, a remarkable achievement, but it is much more than longevity for which one is paid tribute, it is for the quality and style of one's work. During his years in the Congress, Mr. Boland established a reputation as a gentleman of great integrity. He continues to be highly respected by members of both political parties.

Upon his retirement in 1988, his colleague, the late Silvio Conte remarked:

I can say without hesitation that I've never known a more trustworthy and reasonable man than Eddie. He has anchored this institution to the fundamental virtues of good government.

Eddie served 34 years as a member of the Committee on Appropriations, 18 as chairman of the Subcommittee on VA, HUD, and Independent Agencies. Eddie was a strong champion of veterans' benefits and services, and before leaving the House, several of the major veterans organizations recognized his good work by presenting him with their highest awards, including the American Legion's Distinguished Public Service Award and AMVETS' Silver Helmet Award.

During his 34 years on the Appropriations Committee, Eddie played a major role in preserving VA programs and made certain they were properly funded. Veterans were high on Eddie's priority list. He listened to the recommendations of the authorization committee and over the years we established a warm relationship between our two committees that continues today. Through his leadership, the VA budget was carefully reviewed and always strengthened. Staffing levels were maintained at a steady level in VA hospitals in spite of repeated attempts by OMB to eliminate thousands of health care positions.

Mr. Speaker, naming the Northampton VA Hospital in honor of Eddie Boland is supported by the entire Massachusetts congressional delegation and by all of the federally chartered veterans' service organizations in the State of Massachusetts. That says a lot about the man. But the admiration and appreciation for him goes far beyond the borders of his home State. And I can tell you that in the opinion of this Mississippi Congressman, he is, and always will be, one of the best. He is certainly deserving of the honor this bill would grant to him. We are very proud to present this legislation to the House.

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

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

Mr. Speaker, I want to state my strong support for H.R. 4184, a bill to name the Department of Veterans Affairs Medical Center in Northampton, MA, for our colleague, Congressman Edward Patrick Boland.

As my colleagues are aware, Mr. Boland served as the first chairman of the Intelligence Oversight Committee.

In addition, Mr. Boland served as chairman of the Appropriation's VA, HUD and Independent Agencies Subcommittee for 17 years. Under his leadership, this subcommittee, which has responsibility for the final funding provided to VA programs, was able to maintain the strong commitment this Nation has made to veterans.

While I did not have the honor of serving with Mr. Boland personally, many of my colleagues have spoken warmly of his great integrity, sense of dedication, and gentlemanly presence here in Congress.

The naming of the Northampton VA Medical Center for Ed Boland is a small way in which we can recognize his exceptional public service.

Mr. Speaker, I urge the support of my colleagues to pass H.R. 4184.

Mr. Speaker, if there are no further requests for time, I yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding time to me. Mr. Speaker, it is an honor to be the sponsor of H.R. 4184, which would name the Department of Veterans Affairs Medical Center in Northampton, MA, the Edward P. Boland Department of Veterans Affairs Medical Center. I would like to thank Chairman MONTGOMERY of the Veterans' Affairs Committee for taking quick action on this measure, which was submitted just 2 months ago.

Many of you here in this Chamber served with former Congressman Edward Boland during his 36 years in the House of Representatives. His list of accomplishments is too long to completely cover here today. Let me just hit the highlights; for nearly 20 years, Eddie Boland chaired the Appropriations Committee Subcommittee on HUD-Independent Agencies. This subcommittee also has the responsibility to insure that programs vital to the nearly 30 million military veterans in this country are adequately funded.

Through this chairmanship Boland also fought hard for housing programs that provided hundreds of thousands of homes for low- and moderate-income Americans. In this post Boland also worked to expand and improve our space program. During the Boland years the space shuttle became a reality. In the late 1970's, Eddie Boland was appointed by Speaker Tip O'Neill to be the first chairman of the Select Committee on Intelligence. At the time, Speaker O'Neill said, "I know of nobody more trustworthy than Eddie Boland." Boland's service in that sensitive post established the Intelligence Committee and set a high standard for future chairmen. And, of course, history will remember Edward Boland for his steadfast belief that United States involvement in the war in Nicaragua would be a disaster. The foreign policy struggles in the 1980's in this body center largely around the Boland amendment.

Mr. Speaker, this is merely a thumbnail sketch of the career of Eddie Boland. As his successor in the Second District of Massachusetts and, like Boland, a native of Springfield, I had the privilege of working with Eddie Boland

as a member of the Springfield City Council and as mayor. It may be a cliche, but for Eddie Boland, it is one of the truest things you can say about him; he never forgot where he came from. His good friend Tip O'Neill says that "all politics is local." Boland practiced this rule better than any politician in America. He would talk to reporters from Springfield, but paid little attention to the national press. He returned to Springfield from Washington every weekend.

Mr. Speaker and Chairman MONTGOMERY, today we are considering a bill to name the Northampton, MA, VA medical center after Eddie Boland. This is an altogether fitting tribute to former chairman Boland. In addition to his work funding the VA, Boland is a veteran himself, serving for 4 years during World War Two. Eddie enlisted as a private in the Army and left as a captain. He served in the Pacific theater as we fought Japan. As I noted earlier, many of you worked with chairman Boland to create and adequately fund the programs that our military veterans depend upon. Although I was not in Congress at the time, I have heard from a tremendous number of vets who speak with great respect of Eddie Boland and his support for VA programs. He truly was a friend to our men and women in uniform.

To get this bill ready for our consideration, I had to seek the support of each and every federally chartered veterans group in Massachusetts. It almost goes without saying that this was not a problem. They all wrote back almost immediately with their strong support. State Commander William J. Madera of the Massachusetts Department of the Veterans of Foreign Wars wrote, "former Congressman Edward Boland did so very much to support and advance the cause of the veteran." Eddie Boland has been to the Northampton facility many times and lives just 20 miles away. I urge my colleagues to support his measure and honor Edward Boland for his years of dedicated service to America's military veterans.

Mr. Speaker, I would like to thank Chairman MONTGOMERY, ranking member BOB STUMP and the staff at the VA Committee for their assistance in this matter. Two of my colleagues from Massachusetts also deserve recognition for their work with this bill; Congressman JOSEPH KENNEDY, a member of the VA Committee and Rules Committee chairman JOE MOAKLEY.

□ 1240

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. NEAL], who represents Mr. Boland's district, for his remarks.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to rise today in support of H.R. 4184, a bill to name the Northampton, MA Veteran's Medical Center after my dear friend, Eddie Boland.

When my colleague from Massachusetts, RICHIE NEAL, and I first considered this bill, we were not sure that Eddie would be in favor of it. He had always been such a low key, behind the scenes operator. But when we spread the word that we were considering it, the response was immediate and overwhelming.

I remember talking to Eddie when the bill had met all the necessary requirements and was before the Committee on Veterans' Affairs. He was a little bit embarrassed by it all. I told him that there had been unanimous support for the measure in the Congress and in the Commonwealth and that the bill was rolling along. We are moving ahead, I told him, so you might as well enjoy the ride.

In my years in Congress, one of the greatest losses I have ever felt was when Eddie Boland told me that he was going to retire. I was stunned. Eddie has been representing the citizens of the Commonwealth for so long, it seemed like it would always be that way. I asked him, "Why are you leaving?"

He told me:

> Joe, I know the time is right. I have a wonderful family and it is time to enjoy being with them.

Eddie is a wonderful family man; he's a loving husband and a caring father. He started this part of his life a little later than some, as a matter of fact, he is known for being the oldest third base coach in Springfield Little League.

The passion and commitment that he always brought to his job, he now brings to his family. When he was in the Congress, no issue stirred him more than caring for our Nation's veterans. He regarded our promise to our veterans as an unbreakable vow. Tirelessly and unceasingly, Eddie would use his years of experience, his position on the Appropriations Committee, and his ability to persuade others to guarantee that those who had served the country received what they deserved.

Eddie knew that it would be impossible to ever fully repay those people for the disruption in their lives. He knew that there were many things he could not fix or replace. But he also knew that there were things he could do for them. He could see to it that they never wanted for health care, that they never felt alone, that they never felt that their country had turned its back on them.

Mr. Speaker, it would be impossible to stand here today and recite the accomplishments of Eddie Boland. There has rarely been a public servant so dedicated and so well regarded. Eddie was truly liked by all who knew him and the Commonwealth of Massachusetts and the entire Nation are richer for his having served.

I commend the gentleman from Springfield, Mr. NEAL, for introducing this bill. I also want to recognize the fine work of the chairman of the committee, Mr. MONTGOMERY, and his staff for bringing this measure to the floor today. But more than anything, I want to state how much Eddie Boland has meant to me and to us all. There could be no more deserving person of this honor than Eddie Boland.

Mr. Speaker, they just don't make 'em like that anymore.

Mr. MONTGOMERY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. KENNEDY], who is a member of the Committee on Veterans' Affairs.

Mr. KENNEDY. Mr. Speaker, first of all I thank very much the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for the tremendous leadership that he has shown on the committee in looking out for our Nation's veterans.

I also think that there has been no one who could more personify Eddie Boland's leadership on the Committee on Appropriations than the current chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from Michigan [Mr. TRAXLER] for the job that he has done in looking out for our Nation's veterans. I know Eddie Boland would be delighted with the work that has continued in his absence by Mr. TRAXLER and the leadership that the gentleman from Mississippi [Mr. MONTGOMERY] has shown.

I also want to thank and pay tribute to the man who we are here to honor today, the individual who has served this House for over a half century and who has made life better for the citizens of Massachusetts, and who has devoted a great deal of his life for the improvement of our great country.

Eddie Boland was one of the most respected Members of Congress during his 36 years of service. And during his tenure as chairman of the Appropriations Subcommittee with jurisdiction over the Veterans' Administration, I can truly say that Eddie has been a great friend of veterans all across America. It is only fitting that we honor him now by supporting legislation that will name the Department of Veterans Affairs Medical Center in Northampton, MA, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

During his service on the Appropriations Committee, Eddie Boland worked tirelessly to make sure that Americans' tax dollars were spent efficiently and effectively. He also championed the cause of nonprofits through the section 202 housing program. Most importantly, we are here today to honor

the work that he did through the cutback years of the Reagan administration, making sure that time and time again, when this Congress saw fit to cut programs, that he was there to defend veterans programs.

As a result of his work with that program, our elderly and handicapped citizens are better housed than they have ever been in the history of our Nation.

At home in Massachusetts, Eddie Boland was well loved and respected. From the time he was first elected to the Massachusetts House of Representatives in 1935 until his retirement 4 years ago in 1988, Eddie Boland never lost an election. For 7 of his 17 congressional campaigns, the Republicans never even offered an opponent to run against him.

Along with the late Representative Silvio Conte, Eddie Boland helped reshape and revitalize central Massachusetts by helping the people of that city secure financing for their homes, their schools, their post offices, hospitals, and community centers. As a public citizen who always avoided the limelight, the designation of the Northampton Veterans Center will serve as an everlasting, silent tribute to an outstanding citizen.

On a more personal note, Eddie's friendship has enriched the lives of my family for many years. As a little boy, I can remember walking into our living room to see my father and my uncles planning strategies for winning elections or policy fights. It was Eddie Boland whose speech and endorsement helped my Uncle TED win a tough Senate primary in 1962. He was also there to help his old friend, my uncle Jack Kennedy in 1960, and he was there for my father in 1968.

Eddie Boland was always an integral part of the team. Through the good times and all of the sad times, Eddie has been someone that everyone in my family has been glad to call a friend.

It is with great pleasure that on behalf of the entire Massachusetts delegation, that we ask the House of Representatives to consider H.R. 4184, and designate the Northampton Department of Veterans Affairs Medical Center, as the "Edward P. Boland Department of Veterans Affairs Medical Center."

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. TRAXLER], who is chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, the subcommittee Mr. Boland chaired for a number of years.

Mr. TRAXLER. Mr. Speaker, I wish to express my appreciation and thanks to the chairman of the full Committee on Veterans' Affairs, who has been an outstanding advocate for America's veterans and has done so much to make their lives so well worthwhile.

Mr. Speaker, it is my pleasure to join with my colleagues in supporting this resolution to name the hospital after Representative Boland. He was a giant among men in this institution. He was a Congressman of Congressmen. He never forgot where he came from. He knew who his people were. He always represented them to the very best of his ability.

In the course of his long career—and he was 36 years a Member of this body and 34 years as a member of the full Committee on Appropriations—and additionally, he served 34 years as a member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations. Furthermore, he was the chairman of that subcommittee, which it is my honor to further chair at this time. He was the chairman there for 18 years, a remarkable record.

During that time, and we are emphasizing now, of course, what he did for the veterans, during that time he was responsible for considerable facility improvements at Northhampton, but additionally and more importantly—as has been indicated earlier—Mr. Boland presided over the subcommittee during very, very difficult budgetary periods.

□ 1250

It was through his effort that moneys were channeled—with the full support of the gentleman from Mississippi [Mr. MONTGOMERY]—channeled into the Veterans Administration, above and beyond the President's request, millions and indeed several billions of dollars over a 12-year period beyond the President's request. And it was those additional dollars that Mr. Boland made available that preserved the VA medical system and kept it alive for what it is today, and he deserves the thanks of every veteran.

But I would also say in the course of those years as chairman and as a member of that subcommittee he was instrumental in the growth of NASA [the National Aeronautics and Space Administration]. He was instrumental in seeing that the EPA was firmly launched as an agency, and he saw to it that they were adequately funded. He played an important role in our Nation's housing through the funding of the Housing and Urban Development Agency.

Among all other things, he was a person who cared about this Nation and its people—and he strove to do those things which were in the national interest—a person of great courage, a person who was a friend of many of the Members here, a person whom we have always admired and looked up to, and whom we have missed over these past 4 years. That is a totally appropriate honor for him, and it is one that I look forward to joining with him in at the time of the appropriate dedication ceremonies.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from Mississippi [Mr. MONTGOMERY] has expired.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to yield the balance of my time, which I had relinquished, to the gentleman from Mississippi [Mr. MONTGOMERY].

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself half a minute.

Mr. Speaker, Eddie Boland is certainly a friend of the veterans, and I urge all of my colleagues to support the adoption of this legislation.

Mr. GREEN of New York. Mr. Speaker, I rise in support of H.R. 4184, to name the VA hospital in Northampton, MA, after our retired colleague Ed Boland.

I had the distinct honor of serving with Mr. Boland for 8 years on the VA, HUD and Independent Agencies Subcommittee. I can tell those Members who did not serve with him that there was no greater friend of the veterans in the Congress than Ed Boland. He recognized that a great nation owes a great debt to those who defended their Nation in its time of need.

That debt is most visibly repaid by caring for the medical needs of our Nation's veterans. It is, therefore, especially fitting that we should name a veterans hospital after our colleague because, as chairman of our subcommittee, he always made sure that veterans' health care needs were taken care of first—before any other need in our bill.

Mr. Speaker, Ed Boland came to the House of Representatives in 1952 and served until 1989. From 1953 on, he served on the House Appropriations Committee, and for 18 years as chairman of the HUD and Independent Agencies Subcommittee. In that position, he saw to the needs of not only the Nation's veterans, but the Government's housing program, its space program, its science program, and its environmental program.

Chairman Boland led our committee through the Apollo era, the shuttle era and into the space station era—with some trepidation, I might add. He presided over a near doubling of the National Science Foundation budget, both the creation of the Nation's environmental programs and their restoration and protected our Nation's housing against a complete evisceration.

Yet, Mr. Speaker, in no area did he lead us as ably as in providing for our Nation's veterans. At a time when expenditures for veterans' health care began to increase enormously as WWII veterans aged and the needs of Vietnam-era veterans became apparent, Ed Boland proved himself to be a true friend of the Nation's veterans and a genuine leader in the Congress.

It gives me great pleasure to rise in favor of this bill and I urge my colleagues to support it unanimously.

Mr. STOKES. Mr. Speaker, I rise today in strong support of H.R. 4184, a bill to rename the Northampton, MA, Veterans Affairs Medical Center as the "Edward P. Boland Department of Veterans Affairs Medical Center." I had the privilege of serving with Chairman Boland on the VA/HUD and Independent Agencies Appropriations Subcommittee. His record in Congress for 36 years, and the leadership that he provided during the 34 years he served on the subcommittee and chaired for 18 years, is to be commended.

Mr. Speaker, Edward Boland is one of the finest individuals I have had the pleasure of knowing during my tenure in Congress. The designation of this VA facility in his name is a meaningful tribute to an outstanding and worthy individual. I ask my colleagues to join me in support of this measure.

Mr. MURTHA. Mr. Speaker, I want to offer my strong support for H.R. 4184, a bill designating the Department of Veterans Affairs Medical Center in Northampton, MA, as the Edward P. Boland Department of Veterans Affairs Medical Center.

It was an honor for me to have served with Eddie Boland in the House of Representatives and on the Appropriations Committee on which Eddie served for several years. He was one of the most admired, well respected, and effective Members of Congress this institution has ever seen and is missed dearly by friends and colleagues.

Our mutual friend Tip O'Neill chose Eddie Boland as the chairman of the Select Committee on Intelligence when created in 1977. Eddie ably served as chairman of the Intelligence Committee which has a reputation for confidentiality and professionalism—the direct result of the manner in which Congressman Boland ran it during his tenure as chairman.

Eddie was considered one of the most able subcommittee chairmen in Congress and always presented an excellent bill to the House of Representatives. As chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, Eddie kept alive housing for the elderly, was a life-long supporter of public housing, and originated an entire program for the homeless. Eddie was committed to our Nation's veterans and fought for their benefits and medical construction projects throughout the Nation.

During his 36 years in Congress, Eddie Boland diligently attended to the advancement and development of the Northampton Veterans Medical Center. Thousands of veterans have benefited because of Congressman Boland's determination and dedication to the veterans of our Nation. It is only appropriate the Northampton Center be named for Eddie Boland.

Mr. Speaker, for these reasons I respectfully request your support for H.R. 4184.

Mr. MAVROULES. Mr. Speaker, for a decade it was my honor to serve with one of the most respected Members of Congress, the Honorable Edward Patrick Boland. For 36 years, Eddie served the Second Congressional District of Massachusetts in the House of Representatives, playing a prominent role on behalf of the Veterans' Administration and its programs.

As chairman of the House Appropriations Subcommittee on HUD-Independent Agencies, which has jurisdiction over VA funding, Edward Boland fought a ceaseless battle with the White House Office of Management and Budget, saving thousands of VA jobs across the country. His tireless work on behalf of our Nation's vets serves as a model for those who have followed in his footsteps.

Eddie, a dear friend and colleague, is an honest, hardworking individual who dedicated his life to the service of his country. Eddie rose not only through the ranks of the U.S. Army to become a captain, but also through the ranks of public service. Elected as a member of the Massachusetts House of Representatives from 1935 to 1940, and later as the registrar of deeds for Hampden County, Eddie served the people of Massachusetts for more than half a century. The quintessential public servant, Eddie represents the hearty New England spirit, tenacious yet reasonable, with rock-solid integrity.

So it is today that I voice my strong support for H.R. 4184, which would rename the Northampton Veterans Medical Center in Eddie's honor. It is a very fitting tribute to Ed Boland that one of the VA's health care facilities be named in his honor. I can think of few people more worthy of such a distinction, and I am honored to lend my support to the effort.

Mr. HAMMERSCHMIDT. Mr. Speaker, I, too, want to lend my support to H.R. 4184, a bill to designate the VA medical center in Northampton, MA, as the "Edward P. Boland VA Medical Center."

I consider Eddie Boland a good friend and it was a privilege to serve with him for 21 years in Congress. He is a man of high integrity and his 36 years of distinguished service here was marked by his dedication to the institution.

In Eddie Boland's 17 years as chairman of the VA-HUD Appropriations Subcommittee, he was committed to ensuring that veterans' programs received adequate funding. As we all know, this is no easy task. We were very fortunate on the Veterans' Affairs Committee to have Representative Boland as our ally.

It is only fitting that the Northampton VAMC be named in his honor. I urge my colleagues to support H.R. 4184.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4184.

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.

HISTORIC SITES SELECTION REFORM ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4276) to amend the Historic Sites, Buildings, and Antiquities Act to place certain limits on appropriations for projects not specifically authorized by law, and for other purposes.

The Clerk read as follows:

H.R. 4276

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 "Historic Sites Selection Reform Act of 1992".

SEC. 2. REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR PROJECTS UNDER THE HISTORIC SITES, BUILDINGS, AND ANTIQUITIES ACT.

Section 6 of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (16 U.S.C. 461–467) is amended to read as follows:

"SEC. 6. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of the Interior to carry out section 2(e) or 2(f) may be obligated or expended after the date of enactment of this section—

"(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after the date of enactment of this section; or

"(2) in excess of the amount prescribed by law enacted on or after such date.

"(b) Except as provided by subsection (a), there is authorized to be appropriated for carrying out the purposes of this Act such sums as the Congress may from time to time determine.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the measure before us.

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

There was no objection.

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

Mr. Speaker, H.R. 4276 amends the Historic Sites Act of 1935 to prevent the earmarking of special interest funds through the appropriations process for non-Federal sites which have neither been reviewed through the historic preservation fund process nor authorized directly by Congress. I introduced H.R. 4276 on February 19, 1992, with bipartisan sponsorship, and the bill was unanimously approved by the Interior and Insular Affairs Committee on March 25, 1992.

Mr. Speaker, I have become greatly concerned about the increasing use of special interest earmarks in appropriations acts for non-Federal sites which have neither been reviewed through the historic preservation fund process nor authorized directly by Congress. In the last 2 fiscal years alone, $33 million of National Park Service funds have been

funneled into such projects, using the open-ended language of the Historic Sites Act of 1935 as the authority.

While these earmarks have been included in the Interior appropriations bills, my purpose is not to disparage the work of the Interior Appropriations Subcommittee or to engage in a jurisdictional dispute. In fact, the chairman of the Interior Appropriations Subcommittee, Mr. YATES, has been a great friend and supporter of the National Park System, and has consistently presented the House with appropriations bills reflecting a commitment to both budgetary restraint and national parks protection. I know of no Member with a stronger appreciation for our existing natural and cultural resources or a deeper abhorrence for actions which erode public and congressional support for the National Park System and stigmatize legitimate historic preservation projects. We have worked closely in the past to assure the continued efficient operation of the National Park Service, and I know firsthand of his strong commitment to the protection of our most valuable resources.

However, because the projects that H.R. 4276 takes aim at are technically authorized through the Historic Sites Act, it is almost impossible for these earmarks to be challenged. In fact, it is predominantly Members of the other body who are responsible for these add-ons. And, while they also decry this practice, the administration has found the Historic Sites Act useful when requesting funding for projects they wish to undertake without congressional review. In fact, Mr. Speaker, when the administration was afforded the chance to take a stand against these special interest projects they incredibly chose to oppose H.R. 4276, citing their concern that the bill would deprive them of flexibility. In other words, the administration is apparently reluctant to cut off this process because they hope to use it themselves. I suggest that that offers even further reason to curtail this process and change the law. Mr. Speaker, I make no apology for taking away such flexibility to the Bush administration or Members of Congress.

Testimony presented by the National Park Service, the Advisory Council on Historic Preservation, and other interested groups at a hearing on H.R. 4276 on March 10, 1992, exposed a highly abused process in which the wishes of a few influential Members of Congress and the executive branch override the views of both professionals who customarily review such proposals and the authorizing committee charged with ensuring that special interest economic development projects do not usurp scarce National Park Service resources. Currently, the National Park Service cites a construction backlog of approximately $2 billion. Independence Hall, the Lincoln and Jefferson Memorials and many other established park sites today are in desperate need of repair and the Interior Appropriations Subcommittee is hard pressed to find the necessary funds. Yet, as I pointed out earlier, in the past 2 years alone at least $33 million of National Park Service funds have been poured into non-Federal projects such as a sports stadium in Louisiana and a movie theater in West Virginia.

Funds so appropriated are subject to none of the safeguards established for properties assisted through the historic preservation fund or authorized directly by Congress. There are no requirements that the site remain protected in the future, nor are there guidelines for the NPS to use in obligating or expending these funds. A site funded 1 year could be destroyed or used for totally unrelated purposes the next. These Federal dollars come with virtually no strings attached. In fact, the National Park Service acts as merely a conduit for these funds, choosing not to exercise any discretion in the contracts and agreements governing their obligation and expenditure. Ironically, renovations at the Tad Gormley Stadium in New Orleans are being reviewed by the Advisory Council for Historic Preservation as possibly destroying the historic fabric of the site. In this instance at least, funds designed to protect historic sites ironically may support projects which destroy them.

As chairman of the Subcommittee on National Parks and Public Lands, I am very concerned about this back door approach which allows funding for projects whose national significance has never been established. That is why I introduced H.R. 4276, and am moving this keep pork out of parks legislation as quickly as possible.

Budgetary reality requires significant limits in many National Park Service programs today. There is no justification for earmarking funds for non-Federal special interests especially when worthy historic preservation programs are underfunded or receive no funds at all.

We must demand that the guidelines established in Federal law to differentiate between park pork and legitimate projects are followed. The historic preservation fund [HPF] is designed to provide a fair and equitable method of determining which non-Federal projects merit Federal assistance in partnership with State and local governments. Ironically, the HPF is authorized to receive $150 million annually, but this program has been disregarded while special interest projects blatantly absorb tens of millions in scarce National Park appropriations dollars. Consequently, many important historical sites have been underfunded while others, incidental at best to our understanding of American history and culture, continue to soak up funding. The authorization process of the House and Senate, with its hearings and open debate, is designed to ensure that proposals are considered thoroughly and grounded in historical research. This process has been perverted by the present use of the Historic Sites Act.

I have been very concerned not only about the cost of these projects but about the message we are sending with regard to our commitment to historic preservation. Not surprisingly, the national media have seized upon these blatant examples of what is described as park pork to illustrate Congress' irresponsibility, pointing out their significant cost, especially in view of national budget limits. However, using National Park Service funds for these non-Federal projects, initiated by some to funnel Federal dollars to depressed areas, also implies, rather cynically, that historic and cultural value is determined solely by potential economic development. Such special interest initiatives really corrupt the National Park Service budget, and the NPS's strong base of public and congressional support will be seriously eroded unless such special interest funding is brought to a halt.

As chairman of the Subcommittee on National Parks and Public Lands, I have been receptive to worthy proposals from members who seek the establishment or expansion of nationally significant and qualified national park sites, and the committee and I will continue to provide deliberate careful analysis and guidance to such efforts to improve our National Park System. I believe, as do most of my colleagues, that the historic and cultural preservation process must remain faithful to its purpose—"to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States." The authorization proposals from the Interior and Insular Affairs Committee are specifically subject to full and open debate in committee and in both Houses of Congress. Hopefully, they will be enacted on their merits. The process works and Members and advocates of various proposals should be willing to use it.

Clearly, the actions of recent years' funding indicate that problem projects have eclipsed whatever good intent exists in the 1935 act. We need to eliminate the abuse of this law now and restore basic credibility and integrity to the designation and funding of historic preservation in the U.S. Congress. H.R. 4276 is a bipartisan initiative to do just that and I urge my colleagues' support for this measure.

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

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

Mr. Speaker, I rise in support of H.R. 4276, a bill to limit expenditures under

the 1935 Historic Sites Act. I am very concerned about the number of unauthorized projects which have been funded in the National Park Service portion of the Interior appropriation bill in recent years. Many of these projects have not been subject to full public review and to at least some extent, funding of these projects is causing a reduction in funding available to meet the significant backlog of needs faced by the agency. Furthermore, funds appropriated through this method are subject to none of the normal safeguards contained in the historic preservation fund.

While this measure will not solve all of my concerns in this area, with its passage we will begin to restore some of the integrity to the authorization/appropriation process. I believe that Members from this side of the aisle are willing to work with the chairman in this regard if we can be assured that these efforts will be across the board and not selective.

I commend the chairman for his efforts on this bill, and am disappointed that the administration testified on the one hand that they are in complete agreement with our concerns, but fail to provide any assistance in the resolution of this issue.

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

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from Maine [Mr. ANDREWS]. He is a sponsor of the measure and a strong supporter of it, and I appreciate that.

Mr. ANDREWS of Maine. Mr. Speaker, I thank the gentleman for yielding this time to me. I also want to thank Chairman VENTO for his leadership in this area. This piece of legislation not only deserves our support and our vote, but we also need to provide a good slap on the back to Congressman VENTO for his leadership in this area.

Mr. Speaker, we are talking here pure and simple about pork barrel politics. We are talking about sacred cows. We are talking about special interests. And we are talking about taxpayer dollars that are being invested not in the national interest, but in the interest of a few powerful, influential people who are able to get their particular projects into the process.

□ 1300

There are two ways that we can take on this kind of spending. One way is to be able to come to the floor and vote against pork barrel spending that has no relationship to the national interest, and there are times when we have the opportunity to do that, and it takes sometimes a lot of courage to do it, but I am grateful that there are many Members in this House that are willing to do it.

But the second way we can do it is attack some of the structural problems that allow pork barrel politics to be built into the system and not see the light of day of public scrutiny.

What the gentleman from Minnesota [Mr. VENTO], the chairman, is doing with this piece of legislation is shining the light on those dark corners that allow pork barrel politics to continue and wasteful spending to go on without the public accountability that we have a right to have. That is why I support this legislation.

This particular process that this bill is attacking has been described as a highly corrupted process where the wishes of a few influential Members of Congress and a few influential members of the executive branch come together and override common sense and the national interest to support the secular narrow interests of a few influential people and groups.

Mr. Speaker, I am happy to see that we have some bipartisan support here for this legislation. I would hope that the administration would change its mind and support this initiative.

It takes us a step in the direction that this country so desperately needs, that politicians like to give lipservice to but too often are afraid to take. Mr. Speaker, let us take on pork barrel politics. Let us do it in a bipartisan fashion. Let us pass this initiative, and I say to the President, let us sign this bill.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, in a continuing effort to control unauthorized Federal spending, I rise in support of the Historic Site Selection Reform Act of 1992, which amends the Historic Sites Act of 1935.

The act currently provides Federal funds for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and other purposes. Unfortunately, many of these other purposes lately have included such items as a sports stadium in New Orleans and a movie theater in West Virginia, neither of which are units of the National Park System nor have they been designated historic landmarks.

Mr. Speaker, too frequently, the relevant authorizing committees in Congress are being bypassed. These costly "pork" barrel projects tarnish the image of the National Park Service and discredit the preservation process. Financing questionable projects consumes resources for projects that were never intended to be funded under the Historic Sites Act.

Broad concern over the misapplication of the Historic Sites Act has made this legislation necessary. With the adoption of this reform legislation, the unauthorized projects will not be funded. Congressionally authorized projects under the National Park Service will get the protection they need. I urge approval of the Historic Sites Selection Reform Act.

At the same time, legitimate historic sites such as the Lincoln and Jefferson Memorials need to be repaired.

This bill seeks to redirect funds to their rightful ends and eliminate the blatant disregard for the congressional authorization process. The open-ended language of the original act does not prohibit line-item expenditures which are added in appropriations bills without the approval of the appropriate congressional authorizing committees.

Under this bill, project funds appropriated without authorization will be suspended until such time as these sites are deemed worthy of preservation. This will be done in cooperation with State and local governments and the Secretary of the Interior.

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

Mr. Speaker, I would just point out that the problems with the 1935 act that have come to the surface in the last several years have been distressing to all of us, but the point is that we have, as I said before in my preliminary remarks—and I note that my distinguished colleague, the gentleman from Illinois [Mr. YATES], the subcommittee chairman of the Interior Appropriations, is now on the floor—but I want to reiterate that I commented about his diligence in attempting to curtail projects that are unworthy and to try and channel dollars to the Park Service in an appropriate manner.

But the problem here, of course, is that he is faced with a dilemma as I am faced with a dilemma of projects that are interpreted by law and interpreted by practice as actually being authorized under the 1935 Historic Sites Act.

So what we choose to do here or attempt to do is to close that loophole where some $30 million have been appropriated, over $30 million, in the last two appropriation measures without any of the traditional safeguards that are necessary. As an example, the Park Service has chosen not to exercise and to monitor the funds, that is, funds that go into a site in one given year. The site could be completely obliterated or destroyed the next year. It does not sound sensical, but that type of authority and check is not in place.

Funds that are expended ostensibly for the purpose of historic preservation or cultural-resource preservation could, in fact, do quite the opposite, as is indicated in the preliminary work dealing with the facility in Louisiana. So I think it is enormously important that we could curtail that.

We have other disagreements clearly. It is not an effort, and we certainly do not need more work in our committees, but we certainly want to take on the major tasks that we are expected to.

I think the most damaging aspects of these types of actions, and these dol-

lars spent, is that they simply paint the entire National Park Service with a color and character of these types of projects and, therefore, undermine the ability of us to sustain a credibility in the minds of the public with regard to the National Park Service.

At this time and in this period, we simply cannot afford that type of loss of credibility with regard to our national parks. They pay the price, the real resources, the cultural and natural resources which are paying the price for the type of expenditures and actions that have taken place.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I support this measure. I support the purposes of the bill.

I rise only to assure the gentleman and those who may have given the impression that the funds that go to the Park Service only go to pork barrel projects rather than those that should receive the funding, that monuments like the Lincoln Memorial, like the Jefferson Memorial, like Faneuil Hall in Boston, like Old South Church and the other historic buildings, are receiving funds from our committee. We are preserving them. We recognize how important they are to the history and to the heritage of the country.

As the gentleman knows, during the discussion on the conference report on the Interior bill last year, the gentleman from California [Mr. MILLER] and I engaged in a colloquy in which I said that I assured him that I would not place in my bill funds for any projects that had not received the approval of the authorizing committees. I intend to follow that out and, of course, that is the purpose of this bill.

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

Mr. Speaker, I thank the gentleman for his support, and I know that I certainly want to indicate my appreciation for his support for this.

What we are talking about in this instance, as the chairman is aware, are projects that basically end up receiving the imprimatur of authorization under the Historic Sites Act. It has, I think, proven to be a problem.

Beyond that, I want to say that I am going to support the chairman in his efforts. He is a powerful member of the Committee on Appropriations, but one member, and obviously under a great pressure at the end of the session to come forth with bills and has been forced, I think, in the past to accept measures that he is reluctant—but he has to exercise his judgment. I certainly intend to support that and appreciate his efforts to deal with the matter. I will work strongly with him to the end that he has agreed to, with regard to this, and that he has made commitments to.

Mr. OWENS of Utah. Mr. Speaker, I rise in support of Chairman BRUCE VENTO's Historic Site Selection Reform Act of 1992. It is our duty to preserve the country's heritage, and not to subvert needed funds to unrelated projects that have more to do with pork than parks. Our history represents the common threads of heritage and culture that hold the Nation together. Independence Hall, the Lincoln and Jefferson Memorials, and other historic sites of our Nation, require immediate restoration. It's tough enough to find the needed funds, without having to pay for unnecessary and unrelated projects.

H.R. 4276 will halt the earmarking of special-interest funds for non-Federal sites. These projects stigmatize the legitimate need for historic preservation. After this bill is passed, projects will undergo appropriate review or be authorized directly by Congress. National Park Service funds are far too precious to waste. I encourage my colleagues to vote to eliminate this park pork. I commend Chairman VENTO for his leadership on this issue. it's good for the Park Service, good for the budget, and good for the integrity of this institution.

Mr. VENTO. 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 Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4276.

The question was taken.

Mr. VENTO. 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.

□ 1310

LITTLE RIVER CANYON NATIONAL PRESERVE ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3665) to establish the Little River Canyon National Preserve in the State of Alabama, as amended.

The Clerk read as follows:

H.R. 3665

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 "Little River Canyon National Preserve Act of 1992".

SEC. 2. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the natural, scenic, recreational, and cultural resources of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment thereof, there is hereby established the Little River Canyon National Preserve (hereinafter in this Act referred to as the "preserve").

(b) AREA INCLUDED.—The preserve shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Little River Canyon National Preserve", numbered NA-LRNP-80,001C, and dated March 1992. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, D.C. and shall be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama. The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall, as soon as practicable after the enactment of this Act, publish in the Federal Register a detailed description of the boundaries of the preserve.

SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—The preserve shall be administered by the Secretary in accordance with this Act and in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4) and the Act of August 21, 1935 (16 U.S.C. 461-467).

(b) HUNTING AND FISHING.—The Secretary shall permit hunting, sport and subsistence trapping, and fishing on lands and waters under his jurisdiction within the preserve in accordance with applicable Federal and State laws. The Secretary may, after consultation with the State of Alabama Department of Conservation and Natural Resources and adjacent land owners, designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife habitat or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Alabama with respect to fish and wildlife. After consultation with the State of Alabama Department of Conservation and Natural Resources, and with the owners of lands contiguous to the preserve, the Secretary may restrict hunting in areas within the preserve which are adjacent to the boundaries of the preserve where such restriction is necessary or appropriate to protect public safety.

(c) APPLICATION OF OTHER PROVISIONS.—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the preserve in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions. The application of such provisions to the preserve shall not affect the determination of the valuation of the land, waters, or interests therein within the boundaries of the preserve.

(d) COOPERATIVE AGREEMENTS WITH STATE.—In administering the preserve the Secretary is authorized to enter into cooperative agreements with the State of Alabama, or any political subdivision thereof, for the rendering of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies. To facilitate the purposes of this section, the Secretary may enter into cooperative agreements with the State and its directly affected political subdivisions to provide professional assistance in the preparation of the management plan for the preserve.

(e) DESOTO STATE PARK.—If the lands within the DeSoto State Park are acquired by the Secretary, at the request of the State of Alabama Department of Conservation and Natural Resources, the Secretary shall enter into a cooperative agreement with such Department for the continued management by the Department of the lodge and other facilities which, as of the date of enactment of

this Act, are part of the DeSoto State Park. Such cooperative agreement should provide for the management and operation of such lodge and facilities in a manner which, to the maximum extent practicable, is generally consistent with similar operations elsewhere in the National Park System.

(f) PUBLIC INVOLVEMENT.—The Secretary shall promote awareness of and participation in the development of the general management plan for the preserve, and shall develop and conduct a concerted program to this end. Prior to final approval of such plan, the Secretary shall hold public meetings in DeKalb and Cherokee counties. The Secretary shall promote and encourage participation in the development of such plan by persons owning property in the vicinity of the preserve, other interested groups and individuals, State, county, and municipal agencies, and the general public. In preparing and implementing such plan, the Secretary shall give full consideration to the views and comments of such persons, groups, individuals, agencies, and the general public.

(g) GREEN PITCHER PLANT.—Upon the transfer by the Alabama Power Company to the United States of any lands within the boundaries of the preserve which contain the Green Pitcher Plant (Sarracenia oreophila), all rights and obligations of the Alabama Power Company under the agreement entered into between the company and the Department of the Interior (including the United States Fish and Wildlife Service) on May 12, 1983, in settlement of the action brought on September 24, 1980, against the Secretary and Director of the Fish and Wildlife Service in the United States District Court for the Northern District of Alabama (Civil Action No. CV 80-C-1242-M) shall be extinguished.

SEC. 4. ACQUISITION.

(a) IN GENERAL.—(1) The Secretary is authorized to acquire lands, waters, or interests therein within the boundaries of the preserve by donation, purchase with donated or appropriated funds, or exchange, except that no lands, waters, or interests therein may be acquired for purposes of the preserve without the consent of the owner thereof. Lands, waters, and interests therein within the boundaries of the preserve which are owned by the State of Alabama or any political subdivision thereof, may be acquired only by donation.

(2) Immediately after publication of the boundaries of the preserve the Secretary shall commence negotiations for the acquisition of the lands, waters, and interests therein. Within 1 year after the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs of the United States House of Representatives, to the Committee on Energy and Natural Resources of the United States Senate, and to the Committees on Appropriations of the United States Congress a detailed schedule of actions and a progress report regarding such acquisition.

(3) Promptly following completion of any environmental audit performed by or on behalf of the Secretary with respect to any property proposed to be acquired for purposes of this Act, the Secretary shall make available to the owner of such property a copy of such audit.

SEC. 5. TECHNICAL AND PLANNING ASSISTANCE.

The Secretary is authorized and directed to provide technical and planning assistance to political subdivisions of the State of Alabama having jurisdiction over land and waters adjacent to the Preserve for the purpose of developing and implementing plans, programs, regulations, or such other means as may be necessary for the development and use of such lands and waters in a manner which will not have a direct and adverse effect on the Preserve.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. 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. 3665, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3665 is legislation introduced by Representative TOM BEVILL to establish the Little River Canyon National Preserve in the State of Alabama.

The Little River Canyon area of northeastern Alabama has long been recognized for its unique natural and cultural resources. With an average depth of 400 feet, the canyon is the second deepest gorge east of the Mississippi River. The canyon's relative isolation and lack of development has led to the emergence of several rare plants and animals, including the endangered green pitcher plant. In addition to its natural and cultural features, the canyon provides numerous recreation opportunities including camping, kayaking, rock climbing, hunting, hiking and other pursuits.

H.R. 3665, as amended, would establish a 14,000-acre Little River Canyon National Preserve to protect and provide public enjoyment of the natural and cultural resources of the Little River Canyon. This area was extensively studied by the National Park Service in 1990 and 1991. The National Park Service concluded that the area met the criteria of national significance, suitability and feasibility, and the administration testified in support of the bill at the hearing last November before the Subcommittee on National Parks and Public Lands.

The bill, as reported by the Committee on Interior and Insular Affairs, contains an amendment in the nature of a substitute adopted by the committee which makes several changes in the bill as introduced to reduce costs and improve the manageability of the preserve. Most significantly, the committee amendment deletes the secondary resource boundary contained in the bill as introduced. This change means that the only landowners in the boundaries will be the Alabama Power Co., which is a willing seller; the State of Alabama; and Cherokee County. This boundary is based on one of the alternatives proposed by the National Park Service and includes the primary resources of the river and the canyon and adequate space for endangered species protection and park administration. While a larger park area would have provided more resource protection and greater recreation opportunities, the primary boundary is a viable unit which is more manageable and less costly than the larger area proposed in the bill as introduced.

The committee amendment also makes several other changes including deleting a provision in the bill which would have interfered with the authority of the State of Alabama under the clean air act and adding a new section authorizing the Secretary of Interior to provide technical assistance to State and local governments on a voluntary basis for plans to encourage compatible development outside the park boundaries.

Mr. Speaker, H.R. 3665, as amended, is a well-crafted bill which will protect and preserve a natural area of outstanding quality in a region of the country with very new nationally recognized areas. It meets the National Park Service standards of significance, suitability, and feasibility. The bill has been scaled back substantially in terms of cost and acreage from the bill as introduced, and all concerns of private landowners have been addressed by the committee amendment. I urge Members to support the bill and want to commend the gentleman from Alabama [Mr. BEVILL] for the leadership and foresight he has exhibited in developing this worthy conservation initiative.

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

Mr. Speaker, I rise to be recognized on H.R. 3365, a bill to establish the Little River National Preserve in Alabama. While I do not intend to oppose this bill before us today, I must say that I have two basic concerns with the measure. The first concern relates to the basic underlying premise of this bill that because a relatively small portion of this area contains resources of national significance, the proper course of action is for Congress to enact legislation creating a new Federal area. The second concern I have relates to what I believe is an unprecedented authorization for a State-run concessions operation within a unit of the park system.

It is somewhat ironic that we are considering this bill on the floor on the same day that we are also considering

H.R. 4276, a bill to limit Federal expenditures under the 1935 Historic Sites Act. Our committee chairman introduced that bill, which has received strong support through the committee process from this side of the aisle. In large part he was concerned that funds were being diverted from essential needs of existing parks, under the broadly worded 1935 act.

However, I would contend that the cost of nonessential authorization bills passed through our committee far exceeds the minor amount of funds which have been diverted from Park Service purposes by the Appropriation Committee under that 1935 act. With this bill we will be authorizing the Federal takeover of an existing State park. We will be creating another obligation for the Federal Govenment without any real benefits to be gained in terms of visitor use or resource preservation. I note the administration agrees with this concern in their views.

This is clearly a beautiful area and clearly deserves preservation, but it does not require the participation of the Federal Government. This resource is in good condition and is not threatened. Even the park service new area study for this site states:

There are no natural or cultural themes or types of recreational resources not represented in the National Park System known to this site.

While the initial cost of this site may only be in the range of $15 million, and constructive changes have been made, environmentalists and a number of Members of Congress have made their desires known during consideration of this bill, that future expansion is likely.

Second, I must also comment on the concession operation authorized in this bill. I find it curious that at a time when there is so much concern in Congress over concession management issues, we are going to legislate continuation of a concession operation in a park which may or may not even be needed and forego any future attempts at competitive bidding for this operation.

The existing lodge must be a good deal for the people of Alabama, or the State would not want to retain this operation, but I am not sure it is a good deal for the Federal Government.

Mr. VENTO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Alabama [Mr. BEVILL]. The gentleman from Alabama is the principal sponsor and architect of this measure and has worked long and hard on it.

Mr. BEVILL. Mr. Speaker, I thank the committee chairman for yielding me this time.

Mr. Speaker, I rise today to strongly urge my colleagues to support H.R. 3665, my legislation which would establish the Little River Canyon National Preserve in northeast Alabama.

This legislation would protect some of the most spectacular scenery in the Southeast. The National Park Service has studied this area extensively and after finding it to be of national significance recommended it for national designation.

The Little River Canyon is a breathtaking sight. It is 700 feet deep in some places and has huge sandstone cliffs. It is one of the deepest canyons east of the Mississippi River and one of the most unusual. The Little River, which formed the canyon, flows entirely on top of Lookout Mountain. The water in the river is about as pure as you can get.

The area supports a number of rare plants and fish, including the green pitcher plant which is on the endangered species list.

My legislation provides needed protection for this unique area so that it can be preserved and enjoyed by generations to come.

The preserve boundary would encompass about 14,000 acres of land which is owned by the State of Alabama, Cherokee County and Alabama Power Co. No other landowners are involved.

I want to thank my good friend and colleague chairman BRUCE VENTO and his committee which made a field inspection trip to the Little River Canyon last year. I appreciate his committee's help on this bill.

We worked for months with the area landowners and other interested parties. I made every effort to answer all the concerns expressed by the public.

The vast majority of people want to see the canyon permanently protected. This legislation does that.

We have also been concerned about protecting the rights of area landowners. This legislation does that.

In fact, we are only talking about one major landowner and that's Alabama Power Co. The company is a willing seller and they plan to use the proceeds from selling their land to fund a special educational foundation.

I want to stress that no private homes or privately-held lands are included within the boundary of the preserve.

As I have mentioned, this bill is the result of active and beneficial public involvement, which has improved it. My legislation also provides for ongoing public participation during the development of the management plan for the preserve.

The area is currently used by a number of outdoor enthusiasts including hunters, fishermen, boaters, hikers, rock climbers, birdwatchers and picnickers. These recreational uses are important and they will be encouraged and promoted.

My legislation designates the area as a preserve because that is what the majority of citizens want to see accomplished here. They know this area is unique and they want to preserve it for many, many years to come.

I have also worked closely with the Alabama Department of Conservation and Natural Resources on this legislation. I want to commend my good friend, commissioner Jim Martin, for his hard work and determination in this effort.

A number of Alabama newspapers have taken strong editorial stands in support of my legislation and see it as a needed method of preserving this rich and unique resource.

I appreciate my colleagues' support for this legislation. I believe that the Little River Canyon National Preserve will become one of the finest units of the National Park Service.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. DARDEN], a member of the committee, who is from the adjacent district and has had quite a key role on the subcommittee and the committee in the advocacy and working with the gentleman from Alabama [Mr. BEVILL].

Mr. DARDEN. Mr. Speaker, I rise in support of H.R. 3665, the Little River Canyon National Preserve Act. I would like to commend the bill's author, Mr. BEVILL of Alabama and Mr. VENTO, our chairman of the National Parks and Public Lands Subcommittee, for their diligent work in reaching an agreement among a number of interested groups to bring this legislation to the floor today. The addition of the DeSoto State Park and related properties of Alabama Power Co. will make a valuable addition to our Nation's park system.

Mr. Speaker, as you know the land designated in the Little River Canyon National Preserve Act is in the State of Alabama, but I represent parts of northwest Georgia, Chattanooga, Dade, and Floyd Counties, that border the Little River Canyon park area. In protecting the natural, scenic, and recreational value of the Little River Canyon, this measure makes a positive contribution to the quality of life of the people of northwest Georgia.

Mr. Speaker, the facilities and resources included in the Little River Canyon National Preserve Act are currently enjoyed by many people in northwest Georgia. The measure before us today enhances the long-term survival of those resources. In addition to being a short journey away for many residents of the Seventh District of Georgia, this preserve area connects Lake Weiss to other sites serving northwest Georgia as natural and recreational resources. Also, creation of the national recreation preserve recommended in this bill would likely enhance the responsible use and development of the Coosa River in Georgia which flows into Weiss Lake.

Mr. Speaker, this measure creates a preserve that will be available for the enjoyment of people for many uses. As the gentlemen have mentioned, this

measure will not only serve visitors to the Little River Canyon as a natural and river recreation resource, but it will also allow park visitors to make use of the preserve area for fishing, hunting, and trapping.

Mr. Speaker, the importance of preserving this area in some fashion has been under consideration for over two decades. I joined a group of several committee members on a tour of the Little River Canyon area last year and can personally attest to the scenic beauty of the falls and surrounding lands in DeSoto State Park. In addition to the falls and spectacular 400-foot deep gorge, the preserve area has been shown to contain rare plants and animals and significant archeological and historical sites.

Mr. Speaker, it is my understanding that the proceeds from the sale of Alabama Power Co. property in association with establishment of this preserve will go to a charitable organization established to make grants in support of educational, civic, and cultural activities. I am pleased to know that in addition to creating a resource of regional and national importance, there may be secondary benefits in education and the arts resulting from this bill.

Once again I commend the gentlemen from Alabama and Minnesota for their efforts in this matter, and I urge my colleagues to support H.R. 3665.

□ 1320

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, I rise today to support H.R. 3665, a bill to establish the Little River Canyon National Preserve in my home State of Alabama.

Hailed as the "Grand Canyon of the South," Little River enjoys great natural, scenic, recreational and wildlife resources. Virtually untouched by man, the beauty of this gorge is unsurpassed, and thousands of visitors in and around north Alabama have shared its treasures over the years.

This bill, introduced by my friend, colleague, and fellow Alabamian TOM BEVILL, would establish the Little River National Preserve to protect the natural beauty, wildlife and endangered species of Little River. The preserve would combine county and State parks with land owned by Alabama Power to encompass over 14,000 serene acres nestled atop Lookout Mountain.

As amended, this bill will not include private properties beyond the 14,000-acre boundary, and will make management of the preserve easier for the National Park Service.

From Spanish explorer Hernando DeSoto and the Cherokee Nation to the Indiana bat and the Southern bald eagle, Little River Canyon is rich in history and natural beauty. I am pleased to offer my support to this worthy measure. Moreover, I am delighted that the beauty of Alabama will be preserved long into the future so that more individuals will be able to witness the bounty of its extraordinary natural resources.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3665, 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.

DESIGNATING CERTAIN SEGMENTS OF THE DELAWARE RIVER AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3457) to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 3457

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

SECTION 1. WILD AND SCENIC RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) DELAWARE, PENNSYLVANIA, AND NEW JERSEY.—The segments to be administered by the Secretary of the Interior, generally depicted in the map document entitled 'Delaware River Basin Commission, Flood Plain Management Program, Flood Plain Delineation' dated June, 1973 ('Map') as follows:

"(A) from the Bucks County and Northampton County, Pennsylvania, border as depicted on Plate 6 of the Map as a point just south (downstream) of River Mile 176 to a point just west (upstream) of River Mile 172 on Plate 5 of the Map where the western boundary of the Gilbert Generating Station property begins;

"(B) the segment from a point just east (downstream) of River Mile 171 on Plate 5 of the Map where the eastern boundary of the Gilbert Generating Station property ends to a point just north (upstream) of River Mile 157 on Plate 3 of the Map where the northern boundary of the Point Pleasant Pumping Station property begins;

"(C) the segment from a point just southeast (downstream) of River Mile 157 on Plate 3 of the Map where the southern boundary of the Point Pleasant Pumping Station property ends to a point just southeast (downstream) of River Mile 149 on Plate 2 of the Map at the north side of the Route 202 bridge; and

"(D) the segment from a point just southeast (downstream) of River Mile 148 on Plate 2 of the Map where the southern boundary of the town of New Hope ends to a point just southeast (downstream) of River Mile 142 on Plate 1 of the Map at Washington Crossing."

(b) MANAGEMENT PLAN.—In preparing and implementing the comprehensive management plan for the segments designated under this section, the Secretary shall provide appropriate opportunities for public involvement and shall—

(1) consult and cooperate with appropriate Federal, State, regional, and local agencies, including (but not limited to) the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection and Energy, the Delaware and Lehiegh Navigation Canal National Heritage Corridor Commission, and the Delaware and Raritan Canal Commission;

(2) consider previous plans for the protection of affected cultural, recreational, and natural resources (including water supply and water quality) and existing State and local regulations, so as to avoid unnecessary duplication; and

(3) give priority to the acquisition of undeveloped open space along the Delaware River, including islands, not already protected.

SEC. 2. EXISTING FACILITIES AND POSSIBLE ADDITIONS THERETO.

The designation of the segments of the Delaware River under section 1 of this Act, and any subsequent management or development plans to implement such designation, shall not be used in any proceeding or otherwise to preclude, prevent, restrict, or interfere with the completion, continued or changed operation, maintenance, repair, construction, reconstruction, replacement, or modification of the Gilbert Generating Station and associated facilities or the Point Pleasant Pumping Station and associated facilities or with the licensing, permitting, relicensing, or repermitting of such stations and associated facilities. Such designation or plans shall not preclude or interfere with the licensing, permitting, construction, operation, maintenance, repair, relicensing, or repermitting of any additions to any such facilities, so long as such additions are outside the segments of the Delaware River designated by this Act and impounded backwater from any such addition does not intrude on any such segment, and so long as the values present in such segments on the date of enactment of this Act are not unreasonably diminished thereby.

SEC. 3. TRANSMISSION AND DISTRIBUTION FACILITIES.

The designation of segments of the Delaware River made by section 1 of this Act, and any subsequent management or development plans to implement such designation, shall not be used in any proceeding or otherwise to preclude, prevent, restrict, or interfere with the present or future access to or operation, maintenance, repair, construction, reconstruction, replacement, or modification of electric or gas transmission or distribution lines across such segments, or with the licensing, permitting, relicensing, or repermitting of such lines across such segments: Provided, however, That each new electric or gas transmission or distribution line across any such segment shall be located no further than ½ mile from the center line of any transmission or distribution line across any such segment in existence on the date of enactment of this Act.

SEC. 4. STUDIES.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end:

"( ) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—The segment of approximately 4.8 miles from Washington's Crossing to the point where the river intersects the Trenton, New Jersey, city limits, together with the Cook's Creek, Tinicum Creek, and Tohickon Creek tributaries to the Delaware River.".

(b) RIVER CONSERVATION PLAN.—The Secretary of the Interior, pursuant to section 11(b)(1) of the Wild and Scenic Rivers Act, shall undertake a river conservation plan for the segment of the Delaware River from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3457, the legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3457 would designate certain segments of the Delaware River in Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System.

The bill was introduced by our colleague from Pennsylvania Mr. KOSTMAYER, who has been tireless in working for protection of the resources associated with the Delaware River. The bill is similar to a measure—H.R. 3764—that the House passed in the last Congress but on which the Senate did not complete action.

During the consideration of H.R. 3457, the Interior Committee adopted a number of minor amendments, primarily technical in nature, which are explained on the committee's report. I believe that these committee amendments improve the bill, and make clear that appropriate State and local entities will be properly involved in its implementation.

Mr. Speaker, the four river segments that the bill would add to the National Wild and Scenic Rivers System extend from the Northern Boundary of Bucks County, PA, to Washington's Crossing. Excluded from designation would be the areas associated with the existing Gilbert generating station and the Point Pleasant pumping station.

The Delaware River is one of the few remaining free-flowing, relatively undeveloped rivers in its region. It rises in the Appalachian plateau region of the Catskill Mountains, in New York and flows over 300 miles to the Atlantic Ocean. While there is extensive urban development from southern Bucks County, PA, through the port of Philadelphia, the portions of the river dealt with in this bill are comparatively rural or suburban, and afford many valuable opportunities for enjoyment of relatively undisturbed landscapes and outdoor, water-based recreation. The designation of these river segments will also complement and enhance those portions of the Delaware River that were previously designated as part of the National Wild and Scenic Rivers System.

Having personally visited these areas, I can attest to the qualities of this river and its natural, cultural, and other resources. The river segments designated by H.R. 3457 definitely deserve the additional protection and care that they would receive through enactment of this legislation.

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

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

Mr. Speaker, with all due respect to my friend, the gentleman from Pennsylvania [Mr. KOSTMAYER], I must rise in strong opposition to H.R. 3457.

Although I am also concerned about protecting the important resource values on these segments of the lower Delaware River, I believe this bill runs roughshod over existing statutes and administrative practices and sets a dangerous precedent. There are other techniques available such as a national recreation area, as was the case with the Chattahoochee River in Georgia.

There are two fundamental problems with this bill. First, it establishes a precedent of designating a stream under the Wild and Scenic Rivers Act that is far too developed to meet existing criteria. Second, there has been very limited discussion with private landowners on how this designation will affect them.

Members of the Interior Committee frequently discuss the issue of precedence when considering legislation and especially the need to avoid dangerous precedents. The same argument holds here. Passage of this bill will be a directive to the administration to rewrite their criteria for determining how much development is acceptable along a wild, scenic, or recreational river. It is telling other Members to bring forward their proposals for designating any river in their district which they would like to protect, regardless of how developed it is. Of even more concern, it is signaling the administration that greater levels of development are acceptable at existing units of the Wild and Scenic Rivers System.

Finally, I would like to point out that further restrictions would be placed on this river if S. 1081 becomes law. This is a bill to reauthorize the Clean Water Act that has been introduced by key Senators on the Senate Environment and Public Works Committee. Section 8 of that bill contains a provision that the House Public Works Committee believes effectively would establish a zero discharge standard along units of the Federal Wild and Scenic Rivers System. Needless to say, this could have a devastating impact on a highly developed river such as the Delaware.

Mr. Speaker, I will insert into the RECORD letters to Mr. DON YOUNG by a member of the Delaware River Basin Commission as well as a letter from a landowner who would be affected by this bill.

DELAWARE RIVER BASIN COMMISSION,
Washington, DC, March 31, 1991.

Hon. DON YOUNG,
Ranking Minority Member, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. YOUNG: I note that H.R. 3457, amended, has been reported out of the House Interior Committee and can be scheduled for House floor action at any time. That legislation would instantly designate—without prescribed studies—certain additional segments of the Delaware River mainstem as components of the National Wild and Scenic River System. I believe the legislation is inappropriate and ill-advised for the following reasons:

The area is already used extensively for recreation, without any Federal involvement.

The area is in no danger of being dammed or impounded.

The area is under no great threat from development which could jeopardize the recreational use of the proposed segments. Testimony last October before the National Parks Subcommittee, supported by aerial photographs, indicated only 10% of the land bordering the proposed river segments is now undeveloped privately-owned land. The remainder is already developed, publicly-owned, or unsuitable for development by its topographical nature as palisades, wetlands, or floodplains.

Existing State and local governmental controls are sufficient to protect the area's remaining open spaces and continued recreational use.

In the absence of any threat to the recreational attributes of the area, and in view of the area's presently extensive recreational use and adequate State and local controls, there is no legitimate rationale for the Federal scenic river designations.

The area's developed nature fails to meet established criteria for national river status. Its designation would indicate a Congressional willingness to invest the Nation's limited fiscal resources in an unqualified area while superlative areas may go begging.

The legislation by-passes Congressionally-mandated procedures designed to protect the quality of the National system, and by so doing opens the door to further attacks on the integrity of the system itself.

114 miles of the Delaware mainstem are already included in two segments of the National Wild and Scenic River system. Adding the segments proposed by H.R. 3457 would result in 70 percent of the 200 mile-long nontidal Delaware being set aside in the national system, which raises questions about

the apparent absence of need-based priorities applicable to the national system and about such a disproportionate part of a river, which must meet many needs, being set aside for a single use—recreation.

H.R. 3457 raises questions about the National Park Service supplanting present levels of government to manage urbanized river areas. The National Park Service lacks authorities to deal with the non-recreation water needs of the 22 million people in the Basin and its service area who depend on the Delaware's waters for their social and economic wellbeing.

The legislation amounts to a blank check which could result in violation of the budget control act. The legislation does not specify boundary widths or how much land is to be acquired, but the basic Scenic Rivers Act authorizes up to an average of 100 acres per mile on each side of a designated river to be acquired in fee. There is no limit on less-than-fee acquisition or easements. If only half that amount of expensive riverfront or riverview property in the proposed area were acquired for each of the 32.5 miles to be added to the system, land acquisition and condemnation costs alone could amount to a budget buster—and the legislation has no provision for offsetting revenues.

There is the distinct likelihood that significantly higher waste treatment costs would have to be borne by communities upstream of the proposed scenic river segments, such as Easton and New Hope, Pennsylvania, and Phillipsburg and Lambertville, New Jersey. This likelihood stems from (1) the requirement of the National Wild and Scenic Rivers Act that designated rivers and their immediate environments be protected for future generations and (2) provisions of a water quality program developed by the Commission and the National Park Service, which will go to public hearings in May, that would preclude Delaware waters designated for special protection (such as National scenic river segments) from being used for waste and assimilation of effluents and non-point sources emanating from tributaries and other upstream waters.

In addition, the pending Clean Water Act amendments, S. 1081, would require classification of all National Scenic River components as Outstanding National Resource Waters. The ONRW classification is a no-growth policy that could preclude those townships and industries which now discharge to the proposed Scenic River segments from increasing their discharges—even if the development triggering an increase occurred outside scenic river boundaries.

H.R. 3457's by-passing of study procedures designed to inform the public of such matters has left the local public unaware of such consequences.

And, finally, the bill does not state the purpose of the conservation plan directed to be undertaken in the additional 25-mile stretch from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania. This area involves a segment of the Delaware Estuary, which is highly urbanized and contains a shipping channel. If the objective of H.R. 3457 is also to set aside this section of the Delaware exclusively for recreation, that intent was not made known and, thus, precluded any informed comments from being made about the proposal.

I am enclosing a copy of my testimony before the National Parks Subcommittee last October, as well as a copy of Executive Director Gerald Hansler's comments on previous comparable legislation.

Sincerely,

IRENE B. BROOKS,
U.S. Commissioner.

TESTIMONY OF IRENE B. BROOKS, U.S. COMMISSIONER OF THE DELAWARE RIVER BASIN COMMISSION, ON H.R. 3457, TO DESIGNATE CERTAIN SEGMENTS OF DELAWARE RIVER AS COMPONENTS OF NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. Chairman, I am Irene B. Brooks, United States Commissioner of the Delaware River Basin Commission. President Bush appointed me to this position in September of 1989. I consider myself an environmentalist and a strong supporter of the national scenic and recreational river system. For this very reason, I have serious concerns about this particular scenic river proposal.

According to the National Park Service, the area proposed for national status in H.R. 3457 is too developed to be eligible even for study as a possible component of the National Wild and Scenic Rivers System. The developed nature of the area poses water quality issues which need to be understood because the National Park Service has no authority to control adverse impacts of pollution on the recreational attributes of the river which emanate from urban development upstream and between the four proposed disjointed segments.

Experience in the Upper and Middle Delaware Scenic Rivers has demonstrated that higher-than-normal waste treatment will be required to protect water quality associated with national river status. Those two nationally designated river segments constitute the primary economic base of that area. Rapid development is just beginning there, and a general consensus has grown among those in the area that paying the cost of meeting higher water quality standards is essential to preserve the very amenity that is the source of their economic well-being.

In the area proposed for national status by H.R. 3457, however, growth has already occurred and the economic base is not dependent upon national river status. Imposing tertiary waste treatment coupled with possible spray irrigation and non-point pollution controls upon the communities and industries impacting that area would be extremely expensive. If those measures are insufficient to meet water quality levels associated with national river status, a no-growth policy may have to be imposed in the area. The public needs to fully understand such consequences and, in my own mind, there is no such understanding.

H.R. 3457's immediate designation of four additional segments of the Delaware as components of the National Wild and Scenic Rivers System would defer the determination of local impacts until after the bill becomes law. Not until then would the public be aware of the boundaries and width of the protected river corridors so they could determine what and whose land would be affected, the type of river designation, the total amount of land that would be acquired and removed from the local tax base, the restrictive limitations the Federal Government might impose on privately-owned land, and the diminished land values resulting from such action.

In addition, I am concerned about the signals that adding the segments proposed in H.R. 3457 to the national system would send in light of the National Park Service findings that the area doesn't qualify for such status. Such action would indicate a willingness by Congress to by-pass the very safeguards it has adopted to assure a high-quality national system. It could also signal that Congress condones detracting from the national system and is willing to invest the Nation's limited fiscal resources in such an area while worthy areas elsewhere in the country may go begging.

Certainly, fiscal limitations are of primary importance. H.R. 3457 amounts to a blank check without any indication of estimated costs for administration and land acquisition. Riverfront and riverview land close to urbanized areas is not cheap. Land acquisition, easement and condemnation costs alone could amount to a budget buster without any provision for offsetting revenues. The Federal investment to date in the sparsely populated Upper and Middle Delaware designated segments approximates one-quarter billion dollars.

Also, if the segments proposed by H.R. 3457 are added to the 114 miles of the Delaware that are already in the National Wild and Scenic River system, 70% of the length of the 200 mile-long non-tidal Delaware would end up being administered by the Federal Government. This raised fundamental concerns about:

(1) the appropriateness of the National Park Service managing such a disproportionate length of a river that is vital to the social and economic well being of 22 million Americans, and

(2) preserving such an extensive length of that river for a single purpose—recreation.

Designation of the segments proposed by H.R. 3457 also raises a question about the wisdom of the Federal Government supplanting other levels of government ostensively for the sake of recreation when the area is already being used extensively for recreation.

Finally, H.R. 3457 does not spell out the purpose and objective of the conservation plan directed to be undertaken in Section 4(b). The proposed conservation plan would cover an additional 25-mile stretch of the Delaware—from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania. This area involves primarily a segment of the Delaware Estuary, which is highly urbanized and industrialized, and also contains a shipping channel.

In all fairness to the affected States and local citizens, if it is the intent of H.R. 3457 to manage this Estuary section exclusively for recreation, the bill should make that intention clear in order to eliminate misunderstandings and elicit meaningful comments.

Mr. Chairman, I appreciate having the opportunity to share these concerns with the committee today.

POINT PLEASANT CANOE & TUBING,
Bucks County, PA, March 6, 1992.

Re H.R. 3457, to designate portions of the Delaware River as wild and scenic.

Hon. ROBERT J. LAGOMARSINO,
2332 Rayburn Building, Washington, DC.

DEAR CONGRESSMAN LAGOMARSINO: I testified at the National Parks and Public Lands Subcommittee's hearing on this bill on October 29, 1991.

In my written testimony I pointed out that my wife and I own two substantial properties in the area that the bill would designate as parts of the national wild and scenic rivers system, and that I have firm plans to improve both properties—including building up to 12 detached homes or 60 townhomes on 12 acres of a 280-acre property we own there.

In my verbal testimony I described, with reference to large, official government aerial

maps of the area covered by the bill, how those portions of the area that are developable—i.e., that aren't parkland, flood plain or so frequently flooded that they can't be developed—are all at least partially developed. There simply isn't any undeveloped developable land!

What passage of H.R. 3457 would do, then, isn't to prevent development but halt further development. And that's why most owners of residential property along the banks of the Delaware want this bill. They want to keep others from enjoying what they enjoy and thereby increase the value of their properties.

The old-fashioned, American way for residential property owners to achieve their goals is to buy up the surrounding property and exercise the rights of owners not to develop it. H.R. 3457 achieves those results by enlisting the vast resources of the federal government to take away the property rights of the rest of us without compensation.

H.R. 3457 is elitist legislation. It's the old story: "We're on board. Now pull up the ladder so nobody else can get on board."

If that was a purpose of the Wild and Scenic Rivers Act, then Congress sold the American people a bill of goods when they passed it. But I submit it wasn't a purpose of the Wild and Scenic Rivers Act. I submit H.R. 3457 instead subverts the purpose of the Wild and Scenic Rivers Act.

I urge you to defeat it.

Respectfully,

THOMAS W. MCBRIEN,
CEO.

□ 1330

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

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

Mr. Speaker, as I have indicated in my earlier remarks, the gentleman from Pennsylvania [Mr. KOSTMAYER] has long been a champion of the Delaware River, and in protecting it he has achieved past victories. After intense and interested debate, he has brought this bill forward again in this session. It passed the House in the last session, and we hope it will do so now.

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

Mr. KOSTMAYER. Mr. Speaker, I would like to thank you and Chairman VENTO for acting on my proposal to designate approximately 32 miles of the Delaware River as part of the Nation's Wild and Scenic Rivers System.

I first introduced this legislation to protect the portion of the Delaware River flowing through Bucks County on January 25, 1983. During consideration of my bill the National Parks Subcommittee under Chairman Seiberling visited my district and approved the bill on November 17, 1983. However, due to the controversy over the construction of the Point Pleasant pumping station, further progress on the bill was stalled.

I reintroduced my legislation last year because I believe as I did 9 years ago, that the natural, cultural, and historic resources of the river merit its protection from any further development.

My bill is part of a larger effort to restrict development along that portion of the Delaware River corridor from the Bucks County line at Riegelsville to Washington Crossing, to preserve and protect the still undeveloped countryside and farmland of rapidly growing southeastern Pennsylvania.

The Federal Government has already achieved some success in this effort. In 1978, Congress passed legislation designating 114 miles of the upper third of the Delaware as wild and scenic. In 1988, legislation authored by my colleague from Pennsylvania, Mr. RITTER, and me designated the Delaware-Lehigh Canal, much of which parallels the river, as a national heritage corridor.

In a poll taken 4 years ago in my district, the top local concerns of the public were—not taxes, not unemployment, not even drugs, but traffic congestion, overdevelopment, and the environment. This legislation requires that the Federal Government do what it can to save the Delaware so that citizens can be assured that the deterioration of the countryside can be stopped.

I hope we do not debate another 7 years the merits of protecting the Delaware. It is free flowing, it has outstandingly remarkable values, and provides unique recreational resources to millions of Americans. Further delay of Federal protection for this river would be a serious mistake. Let us move forward to save the Delaware, and preserve the countryside through which it flows.

Mr. ZIMMER. Mr. Speaker, as a cosponsor of H.R. 3457, I am delighted to see the House recognize the historical significance and natural value of the Delaware River.

The Delaware River is a truly remarkable river with historic connections to the Revolutionary War, to early barge canal navigation, and to the early settlement of New Jersey and Pennsylvania.

My wife and I love to walk along the banks of the Delaware, which makes up a large portion of the western border of the 12th District of New Jersey, and it never ceases to amaze us how the area has remained so pristine and tranquil despite more than 300 years of development.

The river provides an outstanding recreational opportunity for millions who enjoy canoeing, fishing, and hiking amidst its rustic setting and natural beauty.

While the Delaware River is generally more developed than other rivers designated as wild and scenic, this legislation accounts for this fact by recognizing existing facilities and permitting them to continue.

Designating these segments of the Delaware River as wild and scenic will help to protect the river from further inappropriate development and insure that future generations in America's most densely populated region will continue to be able to appreciate the scenic, recreational, historic, and cultural values of the area.

I want to thank the committee for its timely consideration of this legislation.

Mr. ALLARD. Mr. Speaker, I rise in support of this legislation, introduced by Mr. KOSTMAYER, to designate four segments—totalling some 33 miles—of the lower Delaware River as components of the Wild and Scenic River System.

While I know that my support for this legislation puts me at odds with some of my colleagues on the Republican side of the aisle on the Interior Committee who have dissented, I have reached my conclusions on the merits of this legislation after considerable thought. While it is true that those of us who represent areas in the West are generally skeptical of Government intrusion into our lives, we arrive at our skepticism by firsthand knowledge of the excesses sometimes visited upon our constituents by well-meaning, but wrong, designations of this type. This reasons for this are quite simple, Our constituents live close to the land, and much of that land is federally owned. Westerners love the outdoors—that is why we choose to live there. We also feel we do a pretty good job of stewardship of that land and should be respected to continue to do so without Federal intrusion. By comparison, the eastern part of the United States is largely privately owned, and Federal intrusion into land management is a novel concept.

Therefore, it seems to me to make sense to share the wealth, if you will, with our colleagues in the East. The more Federal designations in the East, the more quickly folks in that part of the country will understand some of the frustrations those of us in the West have felt through the years. In the case of the Delaware River, these frustrations are likely to come sooner, rather than later, due to the significant development on abutting private lands throughout the 33-mile stretch designated by this legislation. This is, without a doubt, a beautiful river. In fact, part of its charm is in its historic homes and buildings which predominate the banks of the river. And, while I wish the good people of this area all the best with this designation, I do hope that they come to understand some of the reasons why those of us in the West feel that such designations in our areas are double-edge swords.

Mr. Speaker, I welcome the people of this region to the ranks of those of us who understand Federal ownership best, and would welcome opportunities to support further designations in the eastern United States.

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

Mr. LAGOMARSINO. 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 Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3457, 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.

HORN OF AFRICA RECOVERY AND FOOD SECURITY ACT

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 985) to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region, as amended.

The Clerk read as follows:

S. 985

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 "Horn of Africa Recovery and Food Security Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Horn of Africa (the region comprised of Ethiopia, Somalia, Sudan, and Djibouti) is characterized by an extraordinary degree of food insecurity as a result of war, famine, mounting debt, recurrent drought, poverty, and agricultural disruption, as well as gross violations of human rights, political repression, environmental destruction, and the breakdown of such essential services as primary education and health care.

(2) Internal conflict and famine have killed an estimated 2,000,000 people in Ethiopia, Sudan, and Somalia since 1985, and generated another 8,000,000 displaced persons and refugees, a number so high as to make millions wards of the United Nations and the international community. Relief officials now estimate that another 15,000,000 to 20,000,000 people are threatened by starvation as civil war and drought continue to ravage the area.

(3) Governments and armed opposition groups in Ethiopia, Sudan, and Somalia have been guilty of gross violations of human rights, which further erode food security in those countries.

(4) Assistance policies have failed in large part because of political and economic insecurity, which have prevented the development of programs to achieve sustainable development and programs to achieve food security.

(5) Appropriate assistance should promote real food security, which means access by all people at all times to enough food for an active and healthy life and the availability of sufficient income and food to prevent chronic dependency upon food assistance.

(6) The end of the Cold War rivalries in the Horn of Africa affords the United States the opportunity to develop a policy which addresses the extraordinary food security problem in the region.

(7) Notwithstanding other pressing needs, the United States must accordingly fashion a new foreign policy toward the Horn of Africa and cooperate with other major donors and the United Nations—

(A) to develop an emergency relief plan which meets the immediate basic human needs that arise as long as civil strife and famine afflict the region;

(B) to promote immediately cease-fires, secure relief corridors, and an end to these conflicts; and

(C) to provide creative developmental assistance which attacks the root causes of famine and war and assists these nations on the path to long-term security, reconstruction, voluntary repatriation, economic recovery, democracy, and peace, and which targets assistance to assist the poor majority more effectively.

SEC. 3. STATEMENT OF POLICY REGARDING INDIVIDUAL COUNTRIES.

(a) ETHIOPIA.—It is the sense of the Congress that the President should—

(1) call upon the authorities who now exercise control over the central government in Ethiopia to protect the basic human rights of all citizens, to release from detention all political prisoners and other detainees who were apprehended by the Mengistu regime, and to facilitate the distribution of international relief and emergency humanitarian assistance throughout the country;

(2) urge all authorities in Ethiopia to make good faith efforts to—

(A) make permanent the cease-fire now in place and to permit the restoration of tranquility in the country, and

(B) make arrangements for a transitional government that is broadly-based, that accommodates all appropriate points of view, that respects human rights, and that is committed to a process of reform leading to the writing of a constitution and the establishment of representative government; and

(3) support efforts to ensure that the people of Eritrea are able to exercise their legitimate political rights, consistent with international law, including the right to participate actively in the determination of their political future, and call upon the authorities in Eritrea to keep open the ports of Mitsiwa and Aseb and to continue to permit the use of those ports for the delivery and distribution of humanitarian assistance to Eritrea and to Ethiopia as a whole.

(b) SOMALIA.—It is the sense of the Congress that the President should—

(1) use whatever diplomatic steps he considers appropriate to encourage a peaceful and democratic solution to the problems in Somalia;

(2) commit increased diplomatic resources and energies to resolving the fundamental political conflicts which underlie the protracted humanitarian emergencies in Somalia; and

(3) ensure, to the maximum extent possible and in conjunction with other donors, that emergency humanitarian assistance is being made available to those in need, and that none of the beneficiaries belong to military or paramilitary units.

(c) SUDAN.—It is the sense of the Congress that the President should—

(1) urge the Government of Sudan and the Sudanese People's Liberation Army to adopt at least a temporary cessation of hostilities in order to assure the delivery of emergency relief to civilians in affected areas;

(2) encourage active participation of the international community to meet the emergency relief needs of Sudan; and

(3) take steps to achieve a permanent peace.

SEC. 4. HORN OF AFRICA RELIEF AND REHABILITATION PROGRAM.

(a) EQUITABLE DISTRIBUTION OF RELIEF AND REHABILITATION ASSISTANCE.—It should be the policy of the United States in promoting equitable distribution of relief and rehabilitation assistance in the Horn of Africa—

(1) to assure noncombatants (particularly refugees and displaced persons) equal and ready access to all food, emergency, and relief assistance and, if relief or relief agreements are blocked by one faction in a region, to continue supplies to the civilian population located in the territory controlled by any opposing faction;

(2) to provide relief, rehabilitation, and recovery assistance to promote self-reliance; and

(3) to assure that relief is provided on the basis of need without regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.

(b) MAXIMIZING INTERNATIONAL RELIEF EFFORTS.—It should be the policy of the United States in seeking to maximize relief efforts for the Horn of Africa—

(1) to redouble its commendable efforts to secure safe corridors of passage for emergency food and relief supplies in affected areas and to expand its support for the growing refugee population;

(2) to commit sufficient resources under title II of the Agricultural Trade Development and Assistance Act of 1954 (relating to emergency and private assistance programs), and under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance), to meet urgent needs in the region and to utilize unobligated security assistance to bolster these resources;

(3) to consult with member countries of the European Community, Japan, and other major donors in order to increase overall relief and developmental assistance for the people in the Horn of Africa;

(4) to lend the full support of the United States to all aspects of relief operations in the Horn of Africa, and to work in support of United Nations and other international and voluntary agencies, in breaking the barriers currently threatening the lives of millions of refugees and others in need; and

(5) to urge the Secretary General of the United Nations to immediately appoint United Nations field coordinators for each country in the Horn of Africa who can act with the Secretary General's full authority.

(c) HORN OF AFRICA CIVIL STRIFE AND FAMINE ASSISTANCE.—

(1) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide international disaster assistance under chapter 9 of part I of the Foreign Assistance Act of 1961 for civil strife and famine relief and rehabilitation in the Horn of Africa.

(2) DESCRIPTION OF ASSISTANCE TO BE PROVIDED.—Assistance pursuant to this subsection shall be provided for humanitarian purposes and shall include—

(A) relief and rehabilitation projects to benefit the poorest people, including—

(i) the furnishing of seeds for planting, fertilizer, pesticides, farm implements, crop storage and preservation supplies, farm animals, and vaccine and veterinary services to protect livestock;

(ii) blankets, clothing, and shelter;

(iii) emergency health care; and

(iv) emergency water and power supplies;

(B) emergency food assistance (primarily wheat, maize, other grains, processed foods, and oils) for the affected and displaced civilian population of the Horn of Africa; and

(C) inland and ocean transportation of, and storage of, emergency food assistance, including the provision of trucks.

Assistance described in subparagraphs (B) and (C) shall be in addition to any such assistance provided under title II of the Agricultural Trade Development and Assistance Act of 1954.

(3) USE OF PVOS FOR RELIEF, REHABILITATION, AND RECOVERY PROJECTS.—Assistance under this subsection should be provided, to the maximum extent possible, through United States, international, and indigenous private and voluntary organizations.

(4) MANAGEMENT SUPPORT ACTIVITIES.—Up to two percent of the amount made available for each fiscal year under paragraph (5) for use in carrying out this subsection may be used by the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 for management support activities associated with the planning, monitoring, and supervision of emergency humanitarian and food assistance in the Horn of Africa provided under this subsection and subsection (d).

(5) TRANSFER OF SECURITY ASSISTANCE FUNDS.—The authority of section 610 of the Foreign Assistance Act of 1961 may be used to transfer for use in carrying out this subsection, without regard to the 20-percent increase limitation contained in that section, unobligated secu-

rity assistance funds made available for fiscal year 1992 and 1993. As used in this paragraph, the term "security assistance funds" means funds available for economic support assistance, foreign military financing assistance, or international military education and training.

(d) EMERGENCY FOOD ASSISTANCE.—The President is urged to use the authorities of title II of the Agricultural Trade Development and Assistance Act of 1954 to provide supplemental emergency food assistance for the various civilian victims of civil strife in the Horn of Africa, in accordance with paragraphs (2)(B), (2)(C), and (3) of subsection (c), in addition to the assistance otherwise provided for such purposes.

SEC. 5. HORN OF AFRICA PEACE INITIATIVE.

(a) SUPPORT FOR GRASSROOTS PARTICIPATION.—It shall be the policy of the United States in promoting peace and development in the Horn of Africa—

(1) to support expanded pluralistic and popular participation, the process by which all groups of people are empowered to involve themselves directly in creating the structures, policies, and programs to contribute to equitable economic development, and to local, national, and regional peace initiatives;

(2) to ensure that all citizens enjoy the protection of civil, political, economic, social, religious, and cultural rights, an independent judiciary, and representative governmental institutions, regardless of gender, religion, ethnicity, occupation, or association; and

(3) to provide assistance to indigenous nongovernmental institutions that carry out activities in government-controlled or opposition-controlled territories and have the capacity or potential to promote conflict resolution, to advance development programs, or to carry out relief activities such as those described in section 4(c)(2).

(b) CONSULTATIONS.—The President is encouraged to undertake immediate consultations with appropriate countries, with armed and unarmed parties in the Horn of Africa, and with the Secretary General of the United Nations, in order to bring about negotiated settlements of the armed conflicts in the Horn of Africa.

(c) MECHANISMS.—It is the sense of the Congress that the President should—

(1) direct the United States Representative to the United Nations to—

(A) urge the Secretary General of the United Nations to make cease-fires, safe corridors for emergency relief, and negotiated settlements of the armed conflicts in the Horn of Africa a high and urgent priority;

(B) propose that the United Nations Security Council establish a United Nations arms embargo to end the supply of arms to the region, pending the resolution of civil wars and other armed conflicts; and

(C) pledge diplomatic and material resources for enhanced United Nations peacekeeping and peacemaking activities in the region, including monitoring of cease-fires;

(2) play an active and ongoing role in other fora in pressing for negotiated settlements to armed conflicts in the Horn of Africa; and

(3) support and participate in regional and international peace consultations that include broad representation from the countries and factions concerned.

SEC. 6. HORN OF AFRICA FOOD SECURITY AND RECOVERY STRATEGY.

(a) TARGETING ASSISTANCE TO AID THE POOR MAJORITY; USE OF PVOS AND INTERNATIONAL ORGANIZATIONS.—

(1) TARGETING ASSISTANCE.—United States developmental assistance for the Horn of Africa should be targeted to aid the poor majority of the people of the region (particularly refugees, women, the urban poor, and small-scale farmers and pastoralists) to the maximum extent practicable. United States Government aid institutions should seek to—

(A) build upon the capabilities and experiences of United States, international, and indigenous private and voluntary organizations active in local grassroots relief, rehabilitation, and development efforts;

(B) consult closely with such organizations and significantly incorporate their views into the policymaking process; and

(C) support the expansion and strengthening of their activities without compromising their private and independent nature.

(2) PVOS AND INTERNATIONAL ORGANIZATIONS.—While support from indigenous governments is crucial, sustainable development and food security in the Horn of Africa should be enhanced through the active participation of indigenous private and voluntary organizations, as well as international private and voluntary organizations, and international organizations that have demonstrated their ability to work as partners with local nongovernmental organizations and are committed to promoting local grassroots activities on behalf of long-term development and self-reliance in the Horn of Africa.

(3) POLICY ON ASSISTANCE TO GOVERNMENTS.—United States assistance should not be provided to the Government of Ethiopia, the Government of Somalia, or the Government of Sudan until concrete steps toward peace, democracy, and human rights are taken in the respective country.

(4) SUPPORT FOR PVOS.—Meanwhile, the United States should provide developmental assistance to those countries by supporting United States, indigenous, and international private and voluntary organizations working in those countries. Such assistance should be expanded as quickly as possible.

(b) EXAMPLES OF PROGRAMS.—Assistance pursuant to this section should include programs to—

(1) reforest and restore degraded natural areas and reestablish resource management programs;

(2) reestablish veterinary services, local crop research, and agricultural development projects;

(3) provide basic education, including efforts to support the teaching of displaced children, and rebuild schools;

(4) educate young people outside of their countries if conflict within their countries continues;

(5) reconstitute and expand the delivery of primary and maternal health care; and

(6) establish credit, microenterprise, and income generation programs for the poor.

(c) VOLUNTARY RELOCATION AND REPATRIATION.—Assistance pursuant to this section should also be targeted to the voluntary relocation and voluntary repatriation of displaced persons and refugees after peace has been achieved. Assistance pursuant to this Act may not be made available for any costs associated with any program of involuntary or forced resettlement of persons.

(d) DEBT RELIEF; INTERNATIONAL FUND FOR RECONSTRUCTION.—Developmental assistance for the Horn of Africa should be carried out in coordination with long-term strategies for debt relief of countries in the region and with emerging efforts to establish an international fund for reconstruction of developing countries which settle civil wars within their territories.

(e) ASSISTANCE THROUGH PVOS AND INTERNATIONAL ORGANIZATIONS.—Unless a certification has been made with respect to that country under section 8, development assistance and assistance from the Development Fund for Africa, for Ethiopia, Somalia, and Sudan shall be provided only through—

(1) United States, international, and indigenous private and voluntary organizations (as the term "private and voluntary organization" is defined in section 496(e)(2) of the Foreign Assistance Act of 1961); or

(2) through international organizations that have demonstrated effectiveness in working in partnership with local nongovernmental organizations and are committed to the promotion of local grassroots activities on behalf of development and self-reliance in the Horn of Africa (such as the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Development Program, and the World Food Program).

This subsection does not prohibit the organizations referred to in paragraphs (1) and (2) from working with appropriate ministries or departments of the respective governments of such countries.

(f) WAIVER OF RESTRICTIONS.—Assistance pursuant to this section may be made available to Ethiopia, Somalia, and Sudan notwithstanding any provision of law (other than the provisions of this Act) that would otherwise restrict assistance to such countries.

(g) UNITED STATES VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS FOR DEVELOPMENTAL ASSISTANCE FOR THE HORN OF AFRICA.—It should be the policy of the United States to provide increasing voluntary contributions to United Nations agencies (including the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Development Program, and the World Food Program) for expanded programs of assistance for the Horn of Africa and for refugees from the Horn of Africa who are in neighboring countries.

(h) DEVELOPMENTAL ASSISTANCE AUTHORITIES.—Developmental assistance to carry out this section shall be provided pursuant to the authorities of chapter 1 of part I (relating to development assistance) and chapter 10 of part I (relating to the Development Fund for Africa) of the Foreign Assistance Act of 1961.

SEC. 7. PROHIBITIONS ON SECURITY ASSISTANCE TO ETHIOPIA, SOMALIA, AND SUDAN.

(a) PROHIBITION.—Economic support assistance, foreign military financing assistance, and international military education and training may not be provided for fiscal year 1992 or 1993 for the Government of Ethiopia, the Government of Somalia, or the Government of Sudan unless the President makes the certification described in section 8 with respect to that government.

(b) ASSISTANCE FOR ETHIOPIA; CONDITIONAL WAIVER OF BROOKE-ALEXANDER AMENDMENT.—If the President makes the certification described in section 8 with respect to the Government of Ethiopia, the President may provide economic support assistance, foreign military financing assistance, and international military education and training for Ethiopia for fiscal years 1992 and 1993 notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision.

SEC. 8. CERTIFICATION.

The certification required by sections 6(e) and 7 is a certification by the President to the appropriate congressional committees that the government of the specified country—

(1) has begun to implement peace agreements, national reconciliation agreements, or both;

(2) has demonstrated a commitment to human rights within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961;

(3) has manifested a commitment to democracy, has held or established a timetable for free and fair elections, and has agreed to implement the results of those elections; and

(4) in the case of a certification for purposes of section 6(e), has agreed to distribute developmental assistance on the basis of need with-

out regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.

SEC. 9. REPORTING REQUIREMENT.

Not later than 180 days after the date of enactment of this Act and each 180 days thereafter, the President shall submit a report to the appropriate congressional committees on the efforts and progress made in carrying out this Act.

SEC. 10. DEFINITIONS.

As used in this Act—

(1) the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(2) the term "assistance from the Development Fund for Africa" means assistance under chapter 10 of part I of the Foreign Assistance Act of 1961;

(3) the term "development assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961;

(4) the term "economic support assistance" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961;

(5) the term "foreign military financing assistance" means assistance under section 23 of the Arms Export Control Act; and

(6) the term "international military education and training" means assistance under chapter 5 of part II of the Foreign Assistance Act of 1961.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] 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 California [Mr. DYMALLY].

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

Mr. Speaker, today, we consider the 1992 Horn of Africa Recovery and Food Security Act. This most worthy piece of legislation will send the message that the United States is prepared to coordinate with the rest of the world to help alleviate the pain and suffering in the region.

For years, the world has watched the tragedy of famine, civil war, refugee and displaced persons unfold before our very eyes on the national news. For years individual nations, international organizations, private voluntary organizations and nongovernmental organizations have devoted millions of dollars, manpower and resources to alleviating the crises.

In the interim, the end of the United States-Soviet rivalry in the region has led to a sweeping movement toward democratization and the ouster of dictatorial regimes in Somalia and Ethiopia. The people of Djibouti are engaged in a struggle with the government for equal access to the political system. In Sudan, with the onset of the dry season offensive, the north-south conflict is still ravaging the country.

Essentially, despite a clear and sweeping move toward democratic rule in most of Africa, the Horn of Africa remains mired in relentless civil wars, devastating famines, and severe economic crisis.

Mr. Speaker, the legislation before us today makes a serious attempt to refocus our policy toward humanitarian and emergency assistance in the Horn. What it does is reinforce our commitment and establishes the leading role of the United States in the international effort.

This legislation encourages the use of nongovernmental organizations. International organizations and private voluntary organizations in our overall strategy to help reduce the suffering of the innocent victims of intra-clan, inter-clan, and/or inter-ethnic conflicts.

While events continue to unfold in the Horn, the political landscape changes daily. This legislation does not automatically provide assistance, but rather clears the path for the U.S. Government to provide assistance where possible and appropriate.

It is important to note, Mr. Speaker, that this legislation does not contain any new money. This legislation is designed to give the President discretionary transfer authority over funds from existing appropriations. The fact that the Congress supports this measure is critical to the successful implementation of the President's humanitarian assistance programs. This legislation essentially represents the language in the amendment to the foreign aid authorization bill which passed the House with bipartisan support in a 410–0 vote of approval.

Mr. Speaker, on behalf of the foreign affairs committee, I applaud the House for moving judiciously and expeditiously in passing this legislation.

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 support this amendment in the nature of a substitute to S. 985, the Horn of Africa Recovery and Food Security Act of 1991.

I want to commend chairman FASCELL and Congressmen DYMALLY and BURTON for their determined efforts to bring this bill to the floor. But I would like to give special recognition to Congressman BEREUTER. It was due to his leadership on this legislation, and his strong interest in the welfare of the people in the Horn that we have this bill before the House today.

Last summer, S. 985 passed the Senate and most of its provisions were incorporated into the foreign aid bill in an amendment that was offered in the House by Congressman BEREUTER. That amendment had broad support and passed by a vote of 410 to 0.

It is that section of the Foreign Aid bill which is being offered as a substitute to the original Senate bill.

I want to point out that funds in this legislation would come from existing resources and that no new money is contained in this measure.

This substitute addresses the pattern of United States relief, recovery, diplomatic and assistance activities that are appropriate for the tragic situation in Ethiopia, Sudan and Somalia, where protracted civil wars, drought and poverty have created a nightmare for the innocent people there.

When most Americans think of the Horn of Africa, they visualize terrible despair and starving people without hope who have been forgotten by the world. This legislation is a message to those who have suffered that the American people and Congress have not forgotten them.

I urge my colleagues to support the committee's amendment in the nature of a substitute to S. 985.

□ 1340

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the House amendment to S. 985, the Horn of Africa Recovery and Food Security Act. This is a bipartisan bill, which represents more than a year of work by international hunger experts and members of the Select Committee on Hunger; Mr. DORGAN, Mr. WHEAT, and Mr. BEREUTER.

The Horn of Africa is one of the most infamous places on earth. It's known mainly for hunger, famine, civil war and death. More than 2 million people have died in the Horn since 1985. Eight million have become refugees. This week, with the help of the legislation we are considering today, the leaders of the Horn of Africa are beginning to turn that situation around.

This bill authorizes the President to provide disaster relief to meet the needs of the region. It promotes efforts to bring peace, and insure the access to food to hungry people. The bill bars development assistance to any country until the President certifies that the government has improved human rights. This is a good bill, Mr. Speaker. And it will make a real difference to the lives of the people of the Horn.

But another event is taking place in Ethiopia this week, which makes it even more important for the House to pass this bill. The heads of state of the nations of the Horn, along with the leaders of the opposition groups, are going to come together for a summit conference. They are going to agree never to use food as a weapon again. These leaders are stepping up to a real challenge; they are taking their destiny into their own hands. They may disagree—there may even be civil wars—but after this week, all the leaders in the Horn will agree to put the needs of their people ahead of politics. They will not block humanitarian supplies, they will not attack relief con-

voys, they will not use food as a weapon, they will not allow innocent children to starve.

This is the first arms control agreement for the weapon of food, Mr. Speaker. It will save lives, and it sets a precedent that other nations around the world can follow.

The idea of a humanitarian summit for the Horn of Africa was first proposed during a meeting I had with the President of Ethiopia last summer, along with my Hunger Committee colleagues Representatives ALAN WHEAT and DENNY HASTERT. A member of the Hunger Committee staff is in Addis Ababa right now, as an observer. I was planning on attending the summit myself. The select committee played an important role in creating this summit.

That's why it makes me angry when I read about people in this House talking about eliminating the select committees. The Select Committee on Hunger is making a difference, around the world and here in America. We're working in the Horn of Africa. We're creating hunger-free communities here at home. We are doing our jobs, helping the Congress to meet the needs of hungry people around the world. And we are doing it all for less than it costs to run a single Member's congressional office.

I am very proud of my committee this week, Mr. Speaker. I am proud of this legislation that my colleagues produced, and I'm proud of the historic event in the Horn that we helped to create. And I'm disappointed in the Members of the House who are taking out their frustrations on us, and on hungry people, on children, seniors, and our drug-plagued cities. It is not smart, and it is not fair, and it is not what this House is supposed to be about.

I urge my colleagues to pass this important legislation, and to reject any attempt to eliminate the select committees.

Mr. BROOMFIELD. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of S. 985, as amended, which establishes aid and food security policies toward the Horn of Africa region and the countries of Ethiopia, Somalia, and Sudan. The legislation has grown from the concerns of many thousands of Americans who have watched with horror the tragedies of hunger and war which have afflicted those countries for too many years and have cost over 2 million human lives already. These citizens have written to their Members of Congress to ask that our Government lay out clear principles of action in the Horn countries, based on our history of humanitarian concern for people trapped in disasters—including man-made ones—and on our history of encouraging respect for human rights, democratic elections, economic freedom, and nondiscriminatory aid distribution in other countries.

This Member wants to thank Chairman FASCELL and ranking member BROOMFIELD of the Foreign Affairs Committee for their support in ensuring that this important legislation on foreign assistance policy in the countries of the Horn of Africa is considered today, and also to express my thanks to chairman DYMALLY and ranking member DAN BURTON of the Africa Subcommittee for their interest in the welfare of the people in the Horn, for their support as original cosponsors of the bill (H.R. 1454) on which today's amended language is based, and for continually monitoring the rapidly changing needs in the Horn countries during the past year through hearings in their subcommittee.

The amended language offered today is taken directly from the Horn of Africa provisions agreed upon in the conference report on foreign assistance authorizations for fiscal year 1992 and fiscal year 1993 and is identical to the version presently in Chairman FASCELL'S foreign assistance authorization bill, H.R. 4546. Those conference provisions in turn reflected very closely the action of this House on June 20, 1991, when it passed, by a vote of 410–0, my amendment to the Africa title of H.R. 2508 on the subject of relief and recovery policies in the countries of the Horn. That amendment reflected the efforts and support of 182 Members of this body who cosponsored H.R. 1454, the Horn of Africa Recovery and Food Security Act of 1991, which was introduced by Mr. DORGAN, Mr. WHEAT, and this Member on March 14, 1991. Over 60 major relief, development, and antihunger groups, including Bread for the World, endorsed the legislation. The latter organization played a very major role in offering to cosponsor to draft this legislation.

This amended version of S. 985, like H.R. 1454, addresses the pattern of United States relief, recovery, diplomatic, and assistance activities that are appropriate for the tragic situation in Ethiopia, Sudan, and Somalia where protracted civil wars, drought, and poverty have created a living hell—a disaster where millions continue to starve while running from one war zone into another. Both governments and armed opposition groups in the Horn have been guilty of gross violation of human rights and of making the food security situation of civilians worse and impeding relief efforts.

Fortunately, in the case of Ethiopia, a generation-long war ceased in 1991, and there is hope for a new era of reconciliation and reconstruction on the basis of political and economic freedoms for both Ethiopia and the Eritrean region. Somalia and Sudan remain in a state of bloody civil war and national fragmentation along regional, ethnic, and clan lines.

Both the encouraging case of Ethiopia and the ongoing conflicts where so many lives are at risk have demonstrated that we need to have a clear United States policy that is directed at helping the people who are suffering while refusing to assist governments that are contributing to needless suffering.

The bill therefore defines four basic areas of United States policy toward the Horn countries because of the special, emergency conditions there:

First, an expanded authority for relief, rehabilitation, and recovery assistance under the international disaster assistance authorities carried out by the Office of Foreign Disaster Assistance [OFDA]. No new or additional moneys are provided in this bill, but the President is given discretionary authority for fiscal years 1992 and 1993 to transfer unobligated security assistance funds to supplement OFDA resources for the Horn. OFDA is asked to carry out special rehabilitation and recovery activities such as primary health care, basic education, and restoring agricultural livelihoods of small producers in addition to normal emergency relief assistance. OFDA is also given the authority to fund the provision of emergency food to supplement Public Law 480, title II programs.

Second, the President is urged to take various actions to promote peace initiatives for the region in collaboration with Russia, other countries, the United Nations, and parties in the Horn. This approach has already borne great fruit in the case of Ethiopia. The objectives are to promote negotiated settlement of conflicts in the region, an end to further militarization of the Horn, safe corridors of passage for relief supplies during conflicts, and support for international peacekeeping efforts that may be needed as is currently being investigated by the United Nations in Somalia.

Third, medium- and long-term development assistance to the region is targeted toward the poorest and most vulnerable people, to the extent practicable, and must be channeled only through private voluntary groups and through international organizations like UNICEF that work at the grassroots level unless and until governments respect basic freedoms.

Fourth, no United States economic assistance, military assistance, or security assistance money can go to or through the Governments of Ethiopia, Somalia, or Sudan until the United States President certifies that they are making concrete progress toward peace, human rights, democratic elections, and nondiscriminatory distribution of aid. Once this certification is made, as will be the case of Ethiopia based on its encouraging progress in re-

cent months, flexibility is given to the administration to work with transitional governments on assistance that will consolidate democracy and peace. The legislative process thus establishes a standard consistent with the most deeply held values that the people of the United States want foreign assistance to serve, and recognizes that the fast-changing world of transitions to freedom requires eliminating some of the rigid restrictions on aid that might have characterized U.S. policy toward the previous undemocratic regimes. Development priorities outlined in legislation for the development fund for Africa will then become the guiding principles for the aid under normal conditions.

Mr. Speaker, the dramatic events of last year in Ethiopia demonstrate exactly why this legislation is so valuable, since we could have moved much faster to assist the democratic transition there if these policies had already been in place in 1991. They continue to be valuable for sending a clear signal of United States concern and leadership in expanding emergency relief efforts and promoting conflict resolution in Sudan and Somalia before many more lives are lost.

Mr. Speaker, my thanks to all who have made this legislation possible, and I urge your support for the bill.

□ 1350

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. WHEAT].

The SPEAKER pro tempore (Mr. MAZZOLI). Does the gentleman mean the State of Missouri?

Mr. DYMALLY. Mr. Speaker, I was referring to Kansas City.

Mr. WHEAT. Mr. Speaker, I wish to thank the chairman of the Subcommittee on Africa for his diligent work and leadership on this issue, even if he does not know where the middle of the country is, as well as thank the chairman of the Select Committee on Hunger, the gentleman from Ohio [Mr. HALL] for all of the work and leadership that he has provided on this issue.

I rise in strong support of the measure now before us. Today's consideration of the Horn of Africa Recovery and Food Security Act represents the culmination of over a year of hard work in the Congress and by a number of leading nongovernmental organizations to refocus United States policy toward the Horn of Africa.

The measure has enjoyed broad bipartisan support from the time it was first introduced in March 1991. In a vote of 410 to 0 last June, the House unanimously approved the Dorgan-Bereuter-Wheat amendment which incorporated the main provisions of the Horn legislation into the 1992 Foreign Assistance Authorization Act.

Now detached from the authorization bill, the House is once again considering this important measure. Since last June when the House last took up legislation regarding the Horn, the region has undergone change; however, the need to implement a comprehensive and coordinated relief and development policy toward this devastated part of the world remains just as critical and timely.

Over the course of the past year, Ethiopia has taken positive and hopeful steps toward establishing democratic rule. Finally rid of the brutal regime of Mengistu, the provisional Ethiopian Government has stated its commitment to securing a democratic future for its people.

The legislation before us today would help facilitate the transition to democratic rule by waiving restrictions which currently prohibit United States aid to the Ethiopian Government, thus permitting United States aid for development and electoral assistance.

Since last summer, the situation in Somalia has degenerated into the worst humanitarian crisis in the world today. From the time that bitter factional fighting erupted in the capital city of Mogadishu last November, an estimated 40,000 Somalis have been killed or wounded in the ensuing violence.

The legislation before us today would reinforce current efforts to bring an end to the fighting by calling on the administration to work through the United Nations to promote an end to civil strife and the safe passage of humanitarian relief supplies.

And in the past year, the repressive Government of Sudan has continued to challenge the dictatorships of the world in vying for the title of the world's most brutal regime. Most recently, the Government has undertaken a wide scale military offensive throughout the southern part of the country.

The legislation before us today would help ensure that the Sudanese Government does not profit from its brutality by prohibiting United States aid to the governments of the horn unless they make firm progress in establishing peace and promoting human rights and democracy.

Beyond authorizing relief and assistance in the near term, the bill lays the foundation for long-term sustainable development. It focuses on the root causes of the problems in the region. It targets aid to the most vulnerable part of the population. It highlights grassroots participation throughout the developmental and political process. In short, it offers the people of the region the means to help them help themselves.

Mr. Speaker, today's consideration of the Horn of Africa legislation coincides with a regional humanitarian summit taking place this week in Ethiopia. By approving this initiative, we send a signal to the participants in the summit, indeed to the entire population of the region, that the United States is committed to helping promote peace, democracy, respect for human rights, and sustainable development in the Horn of Africa.

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

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

Mr. DYMALLY. Mr. Speaker, not only do I know where Missouri is, I actually attended school in Missouri. I know where Kansas City is, it is famous for its blues and Central High School.

Mr. WHEAT. Mr. Speaker, if the gentleman claims his education in geography came from Missouri, we will have to do better to improve our school system.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of our committee.

Mr. GILMAN. Mr. Speaker, I rise in support of S. 985, to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and democracy. I want to thank the chairman of the House Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL]; the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from California [Mr. DYMALLY], the distinguished chairman of the Subcommittee on Africa; and the committee's ranking minority member, the gentleman from Indiana [Mr. BURTON], for bringing the bill to the floor at this appropriate time. I also want to commend the distinguished chairman of the Select Committee on Hunger, the gentleman from Ohio [Mr. HALL]; the chairman of the International Task Force of the Select Committee on Hunger, the gentleman from North Dakota [Mr. DORGAN]; the ranking minority member, the gentleman from Nebraska [Mr. BEREUTER]; and their staff for their support in this effort.

The Horn of Africa, the region comprised of Ethiopia, Somalia, Sudan, and Djibouti, is reeling from extraordinary food insecurity caused by war, famine, mounting debt, recurring drought, poverty, agricultural disruption, and environmental degradation. S. 985 tackles these problems by directing the United States to accomplish four basic objectives in the Horn of Africa. First, to assure the people of Ethiopia, Somalia, and Sudan access to food and other basic necessities. Second, to target development assistance to poor and hungry people, building on their own efforts. Third, to set forth a peace initiative aimed at stopping ongoing wars and conflicts. And fourth, to restrict aid to governments in the region until progress toward peace, democracy and human right is made.

In the past decade, we have all been witness to the tragic cycle of drought,

famine, and civil war that has touched the lives of millions of people throughout the Horn of Africa. S. 985 places the Congress firmly on record in attempting to alleviate these critical problems.

Accordingly, I support S. 985 and urge my colleagues to vote for this bill.

Mr. DYMALLY. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I am pleased to join my colleagues, DOUG BEREUTER and ALAN WHEAT, in urging passage of S. 985, as amended by the main provisions of our bill, the Horn of Africa Recovery and Food Security Act. Those provisions were already included as title X, chapter 4 of the pending conference report on the foreign aid authorization bill (H.R. 2508).

A SOUND APPROACH

Passage of this bill will demonstrate that Congress can indeed address public policy needs in the right way.

First, it's a bipartisan bill. The chairman and ranking minority member of the Hunger Committee, TONY HALL and BILL EMERSON, have provided invaluable help in this effort. May I also thank African Subcommittee chairman MERVYN DYMALLY and chairman DANTE FASCELL of the Foreign Affairs Committee, as well as the respective ranking members, DAN BURTON and WILLIAM BROOMFIELD, for agreeing to take up this measure as a freestanding bill. Without such strong bipartisan support, we would not have been able to pass this bill.

Second, we developed this legislation will the strong backing of Bread for the World and a wide coalition of private, voluntary organizations [PVO's] involved with promoting food security in the Horn of Africa. This common effort shows that Congress can respond to the grassroots concerns of the public.

Third, this bill will cost no new money. It provides food and other humanitarian aid through transfer of security aid. In other words, it converts the unused arms aid from the cold war into lifesaving resources: food, medicine, shelter, and farming tools.

RESPONDING TO BASIC HUMAN NEEDS

This measure will focus attention on the continuing human tragedy in the countries of Sudan, Ethiopia, and Somalia. The tragedy is hunger and civil war—killers which threaten some 20 million people in the Horn of Africa. As chairman of the Hunger Committee's International Task Force, I can think of no global problem which should receive greater attention in Congress.

Our legislation will also reformulate U.S. policy toward the region and set forth a comprehensive program to prevent widespread famine and to chart a course for long-term recovery and food security in the region. The bill underscores that a major tenet of our policy should be support for democracy and human rights. To that end, it sets forth realistic criteria for determining when the U.S. Government can provide aid to governments which previously had repressed human rights and freedom.

A REGION IN PERIL

The region has been plagued by persistent famine, widespread poverty, and decades of devastating civil wars. Some 2,000,000 Ethiopians and Sudanese have died from war or famine in the last 5 years alone. Relief officials estimate that another 8,000,000 have become refugees or displaced persons. Although the civil war in Ethiopia has ended, military conflict, famine, and poverty still threaten millions of people in the Horn. This is not an abstract problem but a current emergency.

Ethiopia has ended its own civil war. However, its early steps to establish a democratic government for the first time in history are imperiled by poverty and underdevelopment. This bill gives the President the authority to provide development aid once he certifies that the new government has made substantial progress to protect human rights and democracy. Instead of providing no aid, as we used to do with such transitional governments, we should offer it to governments which respect freedom and human rights.

Further, we must not overlook continuing fractional conflict which has resulted in the suspension of United Nations relief operations in areas with severe malnutrition and serious refugee problems.

Similarly, the people of Somalia concluded a fight against a repressive regime only to be engulfed by vicious interclan warfare. This new, deadly conflict has killed or wounded 30,000 civilians since last November. It has also cut off most reliable supplies of food aid, leaving 1.5 million people at risk of starvation and epidemics in the capital of Mogadishu and another 4.5 million more, in outlying areas. Artillery shelling in the capital area has been so intense at times that relief organizations have been all but forced to suspend lifesaving operations.

We must encourage the United Nations to play a more aggressive role in seeking peace and urge the warring factions to negotiate truces and a peace settlement. We should also support the use of U.N. peacekeeping personnel to protect relief workers, particularly in the capital area.

Continuing unrest and civil war menace the people of Sudan. Regional and fractional conflicts directly threaten the civilian population and also endanger the certain supply of food aid to refugees and displaced persons. The United Nations estimates that about 7.5 million people face food shortages, among which are 4 million internally displaced Sudanese. The Government of Sudan has exacerbated the latter problem by forcibly evicting one-half million homeless from Khartoum to remote desert camps.

Again, our Government must encourage reconciliation efforts by the United Nations and do our utmost to protect millions of vulnerable people.

NEW REALITIES OF AFRICAN FAMINE

Let me say that the sponsors of this legislation are acutely aware that famine stalks several other parts of Africa—particularly in Angola, Mozambique, and other southern African nations. Just yesterday, the Washington Post reported the worst drought of the century imperils 115 million people, who face acute shortages of both food and water. It appears that 10 million tons of food aid will be needed in the next year in order to avert massive starvation.

The United States will certainly need to exercise leadership in responding to these emergencies, as well. I know that the Hunger Committee has, and will continue, to press for timely and sufficient relief arrangements in these nations, too.

A NEW COURSE FOR THE HORN OF AFRICA

Our purpose, then, is not to single out the Horn of Africa to the exclusion of other needy nations. It is rather, to reaffirm that the United States will not neglect the Horn of Africa in an hour of dire human need. It is to say that many of the problems affecting individual nations in the region can only be resolved as peace, stability, and food security grow in the whole region.

We would also assert that the peace settlements which have been achieved elsewhere in Africa should be sought with equal diligence in the Horn, as well. This will require the top-level attention of the President and the United Nations.

The bill does not authorize new funding, as I noted before. It provides authority to transfer from unobligated security aid balances such funds as are necessary to meet food and other emergency requirements in the Horn. It also authorizes the use of existing resources in the development fund for Africa to support the special, human-needs-based projects described in the bill. Among these are restoring agricultural extension services, veterinary assistance, and primary health care centers. It channels these resources through private, community, and international organizations with proven track records of working with impoverished people. If we truly believe that averting starvation and human tragedy should be a top foreign policy priority, then surely we should be prepared to divert resources from lower priority needs to achieve more important goals.

I urge the administration and all of my colleagues to join 182 sponsors in this fight to keep millions of people alive. And, then, I request support for the ensuring effort to help the people of Somalia, Sudan, and Ethiopia on the road to recovery and food security.

So I ask for unanimous support of the bill as amended and call for its

prompt implementation by the administration.

Mr. FASCELL. I rise in support of S. 985, as amended, the Horn of Africa Recovery and Food Security Act, which outlines assistance and security policies toward the Horn of Africa countries of Ethiopia, Somalia, and the Sudan.

I want to thank Mr. DYMALLY and Mr. BURTON of the Africa Subcommittee for their efforts in support of this measure. In addition, I want to commend Mr. BEREUTER for his leadership and work on this important piece of legislation.

Mr. Speaker, S. 985, as amended, is a noncontroversial bill that originally passed the House on June 20, 1991, by a vote of 410 to 0 as an amendment to the foreign aid authorization bill. The bill is essentially unchanged from the version that was unanimously passed by the House last June. Funds for this legislation would come from existing authorities.

As we are all aware, conditions in the Horn of Africa are critical. The ongoing regional drought and massive dislocations of the civilian population due to civil wars have brought about an incredible level of suffering and deprivation throughout the region. This legislation attempts to address these realities by providing AID's Office of Foreign Disaster Assistance with expanded authority to carry out activities such as primary health care and education; by urging the President to promote peace initiatives in conjunction with other nations, including the United Nations; by stipulating that development assistance to the region shall be targeted toward the poorest, and to the extent possible, provided through non-governmental groups; and, finally, by stipulating that no U.S. economic, military, or developmental assistance shall be provided to any government in the region until the President certifies that they are making significant progress toward peace, democratic elections, and ensuring human rights.

In addition, the bill provides for Presidential waiver authority for those countries in the horn that are in arrears on their loan repayments. This is particularly significant in the case of Ethiopia, which, it is our understanding, has or is about to reach an agreement with the United States Government on payment of its outstanding loans, therefore making it eligible for bilateral assistance from United States to aid in its transformation to a multiparty, democratic society.

As we are all aware, southern Africa is currently experiencing the worst drought of this century. U.N. agencies anticipate a 10 million ton food shortfall over the next 12 months. International relief experts now anticipate that this drought could very shortly engulf the whole eastern portion of the African continent.

I urge my colleagues to support this timely and important piece of legislation.

Mr. EMERSON. Mr. Speaker, I am pleased today to join with my colleagues on the Hunger Committee in supporting the passage of S. 985, the Horn of Africa Recovery and Food Security Act.

The Horn of Africa is no stranger to tragedy. For decades, the grim litany of drought, famine, and civil war has been repeated throughout the countries of the Horn. This year, unfortunately, appears little more hopeful than past years have been.

Renewed hostilities in the 9-year war between government and rebel forces in the Sudan have forced relief groups to suspend operations crucial to the survival of thousands. Political and clan rivalries in Ethiopia have erupted into violent clashes, threatening food deliveries to hundreds of thousands of refugees on the Somali border. And vicious fighting in Samalia's capital, Mogadishu, has claimed the lives of almost 10,000 people in one of the worst humanitarian crises that the continent has ever seen.

But today, in Ethiopia's capital, there may be some relief in sight for the long-suffering people of the Horn. Leaders and opposition groups from Ethiopia, Eritrea, Somalia, Sudan, Djibouti, and Kenya are meeting for the first time at a humanitarian summit in Addis Ababa to hammer out an agreement on humanitarian assistance to the region. The agreement will, I hope, establish principles to facilitate the distribution of emergency aid to the needy inside and outside national borders. it is, therefore, appropriate that this legislation be passed now as a demonstration of our country's support for the goals of this historic meeting. Moreover, it provides the President with important new authority to resume desperately needed development assistance to Ethiopia to ease the difficult transition from dictatorship to democracy.

I thank my colleagues on the Hunger Committee—Mr. DORGAN, Mr. HALL, Mr. BEREUTER, and Mr. WHEAT—for their work on this important legislation. And I welcome its passage as a reaffirmation of our commitment to freedom and prosperity in the Horn of Africa.

□ 1400

Mr. DYMALLY. Mr. Speaker, I have no further requests for time, and 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. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate bill, S. 985, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 985, the Senate bill just considered and passed.

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

There was no objection.

WAIVING BROOKE-ALEXANDER PROHIBITIONS TO ALLOW LIMITED ASSISTANCE TO LIBERIA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 271) expressing the sense of Congress regarding the peace process in Liberia and authorizing limited assistance to support this process.

The Clerk read as follows:

S.J. RES. 271

Whereas the civil war in Liberia, begun in December 1989, has devastated that country, killing an estimated 25,000 civilians and forcing hundreds of thousands of Liberians to flee their homes;

Whereas in an effort to end the fighting, the parties to the Liberian conflict and the leaders of the West African states signed a peace accord in Yamoussoukro, Cote d'Ivoire on October 30, 1991;

Whereas this agreement sets in motion a peace process, including the encampment and disarmament of the fighters and culminating in the holding of free and fair elections;

Whereas despite several difficulties, this peace process continues to proceed largely on track, including the recent opening of roads in Liberia and the initiation of the political campaigns by several parties; and

Whereas the election process outlined in the Yamoussoukro agreement is essential for reestablishing peace, democracy and reconciliation in Liberia, and limited United States assistance could play an important role in promoting this process: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress—

(1) strongly supports the peace process for Liberia initiated by the Yamoussoukro peace accord;

(2) urges all parties to abide by the terms of the Yamoussoukro agreement;

(3) commends and congratulates the governments of the Economic Community of West African States (ECOWAS) for their leadership in seeking peace in Liberia; and

(4) extends particularly praise to President Babangida of Nigeria, President Houphouet-Boigny of Cote d'Ivoire, and President Diouf of Senegal for their efforts to resolve this conflict;

(b) AUTHORIZATION OF LIMITED ASSISTANCE.—Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision, the President is authorized to provide—

(1) nonpartisan election and democracy-building assistance to support democratic institutions in Liberia, and;

(2) assistance for the resettlement of refugees, the demobilization and retraining of troops, and the provision of other appropriate assistance to implement the Yamoussoukro peace accord:

Provided, That the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign affairs and the Committee on Appropriations of the House of Representatives that Liberia has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes, and the gen-

tleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

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

Mr. Speaker, today, we will consider Senate Joint Resolution 271, a bill to permit limited assistance to Liberia by way of a waiver of the Brooke-Alexander prohibition.

Specifically, this bill is designed to provide nonpartisan election and democracy-building assistance to support the democratic process in Liberia, and assistance for the resettlement of refugees, the demobilization and retraining of troops, and that provision of other appropriate assistance to implement the Yamoussoukro peace accord, pending the President's certification.

The civil war in Liberia, which began in December 1989, has killed thousands of innocent Liberians, completely dismantled the agricultural infrastructure of the nation and totally collapsed the political system.

Through the efforts of the economic community of west African states, several agreements have been signed which were designed to lead the country toward free and fair elections.

Mr. Speaker, this leigislation does not ask for any additional funds. This bill simply lifts the prohibitions preventing assistance and requires the President to make the determination that Liberia has made significant progress toward democratization. It further stipulates that a separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

This action on the part of the House will send the message to the two main parties in Liberia that if they are willing and prepared to settle the political dispute peacefully, the United States is prepared to remove the barriers which prohibit assisting the democratic process in Liberia.

Mr. Speaker, we have rewarded nations around the globe for their sincere and consistent movement towards democratization. We are pleased to lend our support and encouragement to the people of Liberia—who are now scattered around the globe.

This legislation speaks directly to our commitment to democracy on the continent of Africa. The Liberian people need to know that our devotion to the democratic process is not limited to lip service, but includes concrete deeds of support and encouragement.

Mr. Speaker, on behalf of the Foreign Affairs Committee, I applaud the House for acting exeditiously on this most important piece of legislation.

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 support the passage of Senate Joint Resolution 271, which would allow the provision of limited assistance to Liberia.

I am usually very reluctant to waive the so-called Brooke-Alexander amendment which prohibits further aid to countries that are in default on past debts. I believe we should not normally provide additional aid to countries which have not proven to be responsible debtors.

However, the case of Liberia is unique for several reasons. First, the debt in question was incurred by a previous government which no longer exists.

Second, assistance is available from existing resources and, therefore, this bill does not increase foreign aid by one dollar.

Finally, aid could go to Liberia under Senate Joint Resolution 271 only after the President certifies that progress toward peace has been made and that such aid is in the United States national interest.

Liberia and the United States have a long history of close cooperation. I join my colleagues in supporting this legislation which may help bring an end to the tragic civil war in Liberia.

Mr. FASCELL. Mr. Speaker, I rise in support of Senate Joint Resolution 271, which expresses the sense of Congress regarding the peace process in Liberia and authorizes limited assistance to support this process.

I would like to commend my colleague, Mr. DYMALLY of California, for bringing this matter to the attention of the House and for his longstanding concern about conditions in Liberia.

Mr. Speaker, Senate Joint Resolution 271 is a noncontroversial resolution that recognizes the efforts by the parties of Liberia for moving toward a peaceful resolution of 2 years of bloody warfare that has led this small African nation to the brink of economic and social dissolution. Under the auspices of the Economic Community of West African States [ECOWAS], the Interim Government of Liberia, and the National Patriotic Front of Liberia [NPFL] have begun implementing the breakthrough agreement reached in Yamoussoukro, Ivory Coast, on October 30, 1991. This agreement calls for democratic elections in 1992. While a number of obstacles still remain before elections can be held, not the least of which is the large number of Liberian refugees and displaced persons that still must be attended to, the West African nations and the leaders of the Liberian parties remain committed to the process.

As part of the effort to implement the terms of the accords, the Liberian Elections Commission was constituted in early January and is made up of members of both major political parties. The elections commission has issued an appeal for external support to help preserve its impartiality. In addition, the West African heads of state and the various Liberian parties have unanimously invited the Carter Center to help organize and monitor the elections.

However, because of the mismanagement and widespread corruption of the previous Doe government, Liberia is ineligible for development assistance under the Brooke amendment (section 620q) of the Foreign Assistance Act. Senate Joint Resolution 271 would provide relief from the Brooke sanctions, subject to a Presidential determination that the country of Liberia has made significant progress toward democratization and that it is in the United States national interest to provide such assistance.

Mr. Speaker, the nations of Liberia and the United States have enjoyed a special relationship for the past 150 years. In spite of the recent hardships that the nation of Liberia has endured, most Liberians continue to believe in the special bond between our two nations. Senate Joint Resolution 271 rightly affirms that the United States will and should continue to play the leading role in Liberia's's transformation to peace and democracy in view of our strong historic relationship with Liberia, our strong support of the regional peace plan, and the major role that United States NGO's will play in rebuilding this country.

In closing, I urge the speedy adoption of this timely, important, and noncontroversial resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 271.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 271, the Senate joint resolution just passed.

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

There was no objection.

CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION AND FAMILY SERVICES ACT OF 1992

Mr. PASTOR. Mr. Speaker, I move to suspend the rules and pass he bill (H.R. 4712) to amend the Child Abuse Prevention and Treatment Act, to revise and extend programs under such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4712

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 "Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992".

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

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Subtitle A—General Provisions

Sec. 101. Amendatory references.
Sec. 102. Findings.

Subtitle B—General Program

Sec. 111. Advisory board on child abuse and neglect.
Sec. 112. Research and assistance activities of the National Center on Child Abuse and Neglect.
Sec. 113. Grants to public agencies and nonprofit private organizations for demonstration or service programs and projects.
Sec. 114. Grant program for child abuse neglect prevention and treatment.
Sec. 115. Emergency grant program.
Sec. 116. Grant program for investigation and prosecution of child abuse cases.
Sec. 117. Authorization of appropriations.

Subtitle C—Community-Based Prevention Grants

Sec. 121. Title heading and purpose.
Sec. 122. Grants authorized; authorization of appropriations.
Sec. 123. State eligibility.
Sec. 124. Limitations.

Subtitle D—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness

Sec. 131. Authorization of appropriations.

Subtitle E—Miscellaneous Provisions

Sec. 141. Technical amendments.
Sec. 142. Report concerning voluntary reporting system.

TITLE II—TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT

Sec. 201. Short title.
Sec. 202. Administrative provisions.
Sec. 203. Authorization of appropriations.

TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

Sec. 301. Amendatory references.
Sec. 302. Expansion of purpose.
Sec. 303. Expansion of State grant program.
Sec. 304. Involvement in planning.
Sec. 305. Confidentiality assurances.
Sec. 306. Procedure for evicting violent spouses.
Sec. 307. Penalties for noncompliance.
Sec. 308. Grants to Indian tribes.
Sec. 309. Maximum ceiling.
Sec. 310. Grants to entities other than States; local share.
Sec. 311. Shelter and related assistance.
Sec. 312. Allotment of funds.
Sec. 313. Secretarial responsibilities.
Sec. 314. Evaluation and report to Congress.
Sec. 315. Funding for technical assistance centers.
Sec. 316. Authorization of appropriations.
Sec. 317. Contracts and grants for state domestic violence coalitions.
Sec. 318. Regulations.
Sec. 319. Family member abuse information and documentation.
Sec. 320. Grants for public information campaigns.
Sec. 321. Model State leadership incentive grants for domestic violence intervention.
Sec. 322. Educating youth about domestic violence.

TITLE IV—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION

Sec. 401. Findings and purpose.
Sec. 402. Model adoption legislation and procedures.
Sec. 403. Information and service functions.
Sec. 404. Authorization of appropriations.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Subtitle A—General Provisions

SEC. 101. AMENDATORY REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

SEC. 102. FINDINGS.

(a) IN GENERAL.—The Act is amended by inserting after section 1 the following new section:

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

"(2) many of these children and their families fail to receive adequate protection or treatment;

"(3) the problem of child abuse and neglect requires a comprehensive approach that—

"(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

"(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

"(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

"(D) ensures properly trained and support staff with specialized knowledge, to carry out their child protection duties; and

"(E) is sensitive to ethnic and cultural diversity;

"(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

"(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

"(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

"(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

"(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

"(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

"(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

"(11) the Federal government should provide leadership and assist communities in their child protection efforts by—

"(A) promoting coordinated planning among all levels of government;

"(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

"(C) strengthening the capacity of States to assist communities;

"(D) allocating sufficient financial resources to assist States in implementing community plans;

"(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

"(F) providing leadership to end the abuse and neglect of the nation's children and youth.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 1 the following new item:

"Sec. 2. Findings.".

Subtitle B—General Program

SEC. 111. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

(a) DUTIES.—Section 102(f) (42 U.S.C. 5102(f)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon at the end of subparagraph (E);

(2) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) not later than 24 months after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, submit to the Secretary and the appropriate committees of the Congress a report containing the recommendations of the Board with respect to—

"(A) a national policy designed to reduce and ultimately to prevent child and youth maltreatment-related deaths, detailing appropriate roles and responsibilities for State and local governments and the private sector;

"(B) specific changes needed in Federal laws and programs to achieve an effective Federal role in the implementation of the policy specified in subparagraph (A); and

"(C) specific changes needed to improve national data collection with respect to child and youth maltreatment-related deaths.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 102 (42 U.S.C. 5102) is amended by adding at the end thereof the following new subsection:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

(a) RESEARCH TOPICS.—Section 105(a)(1) (42 U.S.C. 5105(a)(1)) is amended—

(1) in subparagraph (A), by striking "and treatment of" and inserting ", treatment and cultural distinctions of";

(2) in subparagraph (B), by striking "appropriate and effective" and inserting "appropriate, effective and culturally sensitive"; and

(3) in subparagraph (C)(ii), by inserting "cultural diversity," after "child support,".

(b) PUBLICATION AND DISSEMINATION OF INFORMATION.—Section 105(b)(1) (42 U.S.C. 5105(b)(1)) is amended to read as follows:

"(1) as a part of research activities, establish a national data collection and analysis program—

"(A) which, to the extent practicable, coordinates existing State child abuse and neglect reports and which shall include—

"(i) standardized data on false, unfounded, or unsubstantiated reports; and

"(ii) information on the number of deaths due to child abuse and neglect; and

"(B) which shall collect, compile, analyze, and make available State child abuse and neglect reporting information which, to the extent practical, is universal and case specific, and integrated with other case-based foster care and adoption data collected by the Secretary;".

(c) PEER REVIEW FOR GRANTS.—Section 105(e) (42 U.S.C. 5105(e)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting "and reviewing" after "evaluating"; and

(B) by amending subparagraph (B) to read as follows:

"(B) In establishing the process required by subparagraph (A), the Secretary shall appoint to the peer review panels only members who are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise in the application to be reviewed, and who are not individuals who are officers or employees of the Office of Human Development. The panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but may not meet less than once a year.";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "and evaluate" after "determine"; and

(B)(i) by striking "and" after the semicolon at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) make recommendations to the Secretary concerning whether the application for the project shall be approved."; and

(3) in paragraph (3), by amending subparagraph (A) to read as follows: "(A) The Secretary shall provide grants and contracts under this section from among the projects which the peer review panels established under paragraph (1)(A) have determined to have merit.".

SEC. 113. GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS.

(a) GENERAL AUTHORITY.—Section 106(a) (42 U.S.C. 5106(a)) is amended—

(1) by striking "(a)" and all that follows through "Secretary" and inserting the following:

"(a) GENERAL AUTHORITY.—

"(1) DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS.—The Secretary"; and

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

"(2) EVALUATIONS.—In making grants or entering into contracts for demonstration projects, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or contract, or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.".

(b) DISCRETIONARY GRANTS.—Section 106(c)(1) (42 U.S.C. 5106(c)(1)) is amended—

(1) in subparagraph (B), by inserting "culturally specific" before "instruction"; and

(2)(A) in subparagraph (A), by striking "or" after the semicolon at the end;

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

(C) by adding at the end the following subparagraph:

"(C) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally.".

SEC. 114. GRANT PROGRAM FOR CHILD ABUSE NEGLECT PREVENTION AND TREATMENT.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 107(a) (42 U.S.C. 5106a(a)) is amended to read as follows:

"(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

"(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

"(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

"(B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

"(C) improving legal preparation and representation;

"(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

"(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

"(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs.

Not more than 15 percent of a grant under this subsection may be expended for carrying out paragraph (5). The preceding sentence does not apply to any program or activity authorized in any of paragraphs (1) through (4).".

(b) ESTABLISHMENT OF CERTAIN REQUIREMENT.—Section 107 (42 U.S.C. 5106a) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:.

"(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every four years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

"(1) INTAKE AND SCREENING.—

"(A) STAFFING.—The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

"(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

"(C) PUBLIC EDUCATION.—An assessment of the State or local agency's public education program with respect to—

"(i) what is child abuse and neglect;

"(ii) who is obligated to report and who may choose to report; and

"(iii) how to report.

"(2) INVESTIGATION OF REPORTS.—

"(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

"(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(C) INTERAGENCY COORDINATION.—A description of the extent to which interagency coordination processes exist and are available Statewide, and whether protocols or formal policies governing interagency relationships exist in the following areas—

"(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;

"(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and

"(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

"(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

"(E) LEGAL REPRESENTATION.—A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

"(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at

risk of removal, the State shall assess the activities and the outcomes of the following services:

"(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

"(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

"(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

"(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

"(4) GENERAL SYSTEM ENHANCEMENT.—

"(A) AUTOMATION.—A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

"(B) ASSESSMENT TOOLS.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

"(C) INFORMATION AND REFERRAL.—A description and assessment of the extent to which a State has in place—

"(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

"(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

"(D) STAFF CAPACITY AND COMPETENCE.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

"(5) INNOVATIVE APPROACHES.—A description of—

"(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

"(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed.".

(c) TECHNICAL CORRECTION.—Section 107(d), as redesignated by subsection (b) of this section, is amended in the matter preceding subparagraph (A) by striking "this subsection" and inserting "subsection (a)".

(d) DELAYED EFFECTIVE DATE FOR NEW REQUIREMENTS.—The amendments described in subsections (a) and (b) are made upon the date of the enactment of this Act. Such amendments take effect on October 1, 1993, or on October 1 of the first fiscal year for which $40,000,000 or more is made available under subsection (a)(2)(B)(ii) of section 114 of the Child Abuse Prevention and Treatment Act (as amended by section 117 of this Act), whichever occurs first. Prior to such amendments taking effect, section 107(a) of the Child Abuse Prevention and Treatment Act, as in effect on the day before the date of the enactment of this Act, continues to be in effect.

SEC. 115. EMERGENCY GRANT PROGRAM.

(a) IN GENERAL.—Section 107A(e) (42 U.S.C. 5106a-1(e)) is amended by striking out "and such sums" and all that follows through the end thereof and inserting "such sums as may be necessary for fiscal year 1991, $40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

(b) TECHNICAL AMENDMENT.—Section 1 is amended in the table of contents by inserting after the item relating to section 107 the following:

"Sec. 107A. Emergency child abuse prevention services grant.".

SEC. 116. GRANT PROGRAM FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

(a) IN GENERAL.—Section 109 (42 U.S.C. 5106c) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.";

(2) in subsection (a), by striking out paragraphs (1) and (2), and inserting in lieu thereof the following new paragraphs:

"(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

"(2) the handling of cases of suspected child abuse or neglect related fatalities; and

"(3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.";

(3) in subsection (b)—

(A) by striking out "and 107(e) or receive a waiver under section 107(c)" in paragraph (1);

(B) by striking out "and" at the end of paragraph (3);

(C) by inserting "annually" after "submit" in paragraph (4); and

(D) by striking out the period at the end thereof and inserting the following: "; and

"(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a).";

(4) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ", and maintain" after "designate"; and

(ii) by striking out "child abuse" and inserting in lieu thereof "child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities";

(B) by striking out "judicial and legal officers", in subparagraph (B) and inserting in lieu thereof "judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect";

(C) by inserting before the semicolon in subparagraph (C), the following: ", including both attorneys for children and, where such programs are in operation, court appointed special advocates";

(D) by striking out subparagraph (E); and

(E) by striking out "handicaps;" in subparagraph (F), and inserting in lieu thereof "disabilities; and"; and

"(G) by striking out subparagraph (G) and redesignating subparagraph (H) as subparagraph (G);

(5) in subsection (d)—

(A) by striking out "the State task force shall" in the matter preceding paragraph (1), and inserting in lieu thereof "and at three year intervals thereafter, the State task force shall comprehensively";

(B) by striking out "judicial" and all that follows in paragraph (1), and inserting in lieu thereof the following: "both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;";

(C) by inserting "policy and training" before "recommendations" in paragraph (2); and

(6) in subsection (e)(1)—

(A) by striking out "child abuse" and all that follows through "child victim" in subparagraph (A), and inserting in lieu thereof the following: "child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family";

(B) by striking out "improve the rate" and all that follows through "abuse cases" in subparagraph (B), and inserting in lieu thereof the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C)—

(i) by inserting ", protocols" after "regulations"; and

(ii) by inserting "and exploitation" after "sexual abuse".

(b) CONFORMING AMENDMENT.—Section 1 is amended in the item relating to section 109 in the table of contents by striking "Grants" and all that follows and inserting the following: "Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.".

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title, except for section 107A, $100,000,000 for fiscal year 1992, and such sums as may be necessary for each of this fiscal years 1993 through 1995.

"(2) ALLOCATIONS.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, $5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 107(g).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

"(i) 33⅓ percent shall be available for activities under sections 104, 105 and 106; and

"(ii) 66⅔ percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108.".

Subtitle C—Community-Based Prevention Grants

SEC. 121. TITLE HEADING AND PURPOSE.

(a) TITLE HEADING.—The heading for title II (42 U.S.C. 5116 et seq.) is amended to read as follows:

"TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS".

(b) PURPOSE.—Section 201 (42 U.S.C. 5116) is amended—

(1) in the section heading to read as follows:

"SEC. 201. PURPOSES."; and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.".

SEC. 122. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

Section 203 (42 U.S.C. 5116b) is amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated), by striking out "such sums" and all that follows through the period and inserting in lieu thereof "$45,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 123. STATE ELIGIBILITY.

Section 204 (42 U.S.C. 5116c) is amended—

(1) by striking out "or other funding mechanism"; and

(2) by striking out "which is available only for child" and all that follows through the end thereof, and inserting "which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities.".

SEC. 124. LIMITATIONS.

Section 205 (42 U.S.C. 5116d) is amended—

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) ALLOTMENT FORMULA.—

"(A) IN GENERAL.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

"(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than $30,000; and

"(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

"(B) USE OF AMOUNTS.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed $10,000,000."; and

(2) in subsection (b)(1)—

(A) by striking out "trust fund advisory board" and all that follows through "section 101" in subparagraph (A) and inserting in lieu thereof "advisory board established under section 102";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (A), the following new subparagraphs:

"(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

"(C) demonstrate the outcome of services and activities funded under this title;

"(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

"(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;".

Subtitle D—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness

SEC. 131. AUTHORIZATION OF APPROPRIATIONS.

Section 306(a) (42 U.S.C. 5118e(a)) is amended by inserting ", and such sums as may be necessary for each of the fiscal years 1993 through 1995" before the period.

Subtitle E—Miscellaneous Provisions

SEC. 141. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 5101 et seq.) is amended—

(1) by striking "handicapped child" each place such term appears and inserting "child with disabilities";

(2) by striking "child with handicaps" each place such term appears and inserting "child with disabilities";

(3) by striking "handicap" each place such term appears and inserting "disability";

(4) by striking "handicapped" each place such term appears and inserting "disabled"; and

(5) in the case of any variation of a term struck by paragraph (1), (2), (3), or (4) that results from the capitalization of any of the letters of such term, from the use of the plural or the singular, from the use of the possessive, from the use of a different tense, from the use of a different form of typeface, or from any combination thereof, by striking such variation each place the variation appears and inserting the analogous variation of the term inserted in lieu of the term struck by paragraph (1), (2), (3), or (4), respectively.

SEC. 142. REPORT CONCERNING VOLUNTARY REPORTING SYSTEM.

Not later than April 30, 1993, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 479 of the Social Security Act.

TITLE II—TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Temporary Child Care for Children With Disabilities and Crisis Nurseries Act Amendments of 1992".

SEC. 202. ADMINISTRATIVE PROVISIONS.

(a) DEFINITIONS.—Section 205(d)(2) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(d)(2)) is amended by striking "given" and all that follows and inserting the following: "given such term in section 602(a)(1) of the Individuals with Disabilities Education Act;".

(b) TECHNICAL AMENDMENT.—Section 205(a)(1)(A)(vi) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(a)(1)(A)(vi)) is amended by striking out "(vi)" and inserting in lieu thereof "(v)".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117d) is amended in the first sentence—

(1) by striking "and" after "1989,"; and

(2) by inserting before the period the following: ", and $20,000,000 for each of the fiscal years 1992 through 1995".

TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

SEC. 301. AMENDATORY REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

SEC. 302. EXPANSION OF PURPOSE.

Section 302 (42 U.S.C. 10401) is amended—

(1) in paragraph (1)—

(A) by striking out "demonstration the effectiveness of assisting" and inserting in lieu thereof "assist"; and

(B) by striking out "to prevent" and inserting in lieu thereof "to increase public awareness about and prevent"; and

(2) in paragraph (2), by inserting ", courts, legal, social service, and health care professionals" after "(including law enforcement agencies".

SEC. 303. EXPANSION OF STATE GRANT PROGRAM.

Section 303(a) (42 U.S.C. 10402(a)) is amended—

(1) in paragraph (1), by striking out "demonstration grants" and inserting in lieu thereof "grants"; and

(2) in paragraph (2)—

(A) by striking out "demonstration grant" in the matter preceding subparagraph (A), and inserting in lieu thereof "grant";

(B) by striking out "demonstration grant" in subparagraph (A), and inserting in lieu thereof "grant"; and

(C) by striking out "particularly those projects" in subparagraph (B)(ii) and all that

follows through the end thereof, and inserting in lieu thereof the following: "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.".

SEC. 304. INVOLVEMENT IN PLANNING.

Section 303(a)(2)(C) (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "State domestic violence coalitions" after "involve".

SEC. 305. CONFIDENTIALITY ASSURANCES.

Section 303(a)(2)(E) (42 U.S.C. 10402(a)(2)(E)) is amended by striking out "assurances that procedures will be developed" and inserting in lieu thereof "documentation that procedures have been developed, and implemented including copies of the policies and procedure,".

SEC. 306. PROCEDURE FOR EVICTING VIOLENT SPOUSES.

Section 303(a)(2)(F) (42 U.S.C. 10402(a)(2)(F)) is amended to read as follows:

"(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;".

SEC. 307. PENALTIES FOR NONCOMPLIANCE.

Section 303(a)(3) (42 U.S.C. 10402(a)(3)) is amended—

(1) by inserting "a 6-month period providing an" before "opportunity"; and

(2) by adding at the end thereof the following new sentences: "The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 311 shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph.".

SEC. 308. GRANTS TO INDIAN TRIBES.

Section 303(b) (42 U.S.C. 10402(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "is authorized to make demonstration grants" and inserting in lieu thereof ", from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants";

(B) by striking out "and tribal" and inserting in lieu thereof ", tribal"; and

(C) by inserting "and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation", after "tribal organizations";

(2) in paragraph (2)—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by striking out "and (E)" and inserting in lieu thereof "(E) and (F)"; and

(C) by adding at the end thereof the following new sentence: "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section."; and

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

"(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, the terms 'Indian tribe' and 'tribal organization', for purposes of this subsection, have the meaning given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.".

SEC. 309. MAXIMUM CEILING.

(a) IN GENERAL.—Section 303 (42 U.S.C. 10402) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively.

(b) EFFECTIVITY OF AMENDMENTS.—The amendments made by subsection (a) are effective in the case of amounts appropriated for fiscal year 1992 and subsequent fiscal years.

SEC. 310. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

Section 303(e) (as redesignated by section 309 of this Act) is amended—

(1) in the first sentence—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by inserting "or an Indian Tribe" after "State";

(C) by striking out "35 percent" and inserting in lieu thereof "20 percent";

(D) by striking out "55 percent" and inserting in lieu thereof "35 percent";

(E) by striking out "and 65 percent in the third such year" and inserting in lieu thereof "and 50 percent in the third such year and in any such year thereafter"; and

(2) in the second sentence, by striking out "50 percent" and inserting in lieu thereof "25 percent".

SEC. 311. SHELTER AND RELATED ASSISTANCE.

(a) SHELTER.—Section 303(f) (42 U.S.C. 10402(g)) (as so redesignated by section 309) is amended—

(1) by striking out "60 percent" and inserting in lieu thereof "70 percent"; and

(2) by inserting before the period the following "as defined in section 309(4). Not less than 25 percent of the funds distributed under subsection (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 309(5)(A)".

(b) DEFINITION.—Paragraph (5) of section 309 (42 U.S.C. 10408(5)) is amended to read as follows:

"(5) The term 'related assistance' means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance shall include—

"(A) prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

"(B) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

"(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

"(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

"(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims.".

SEC. 312. ALLOTMENT OF FUNDS.

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended—

(1) by striking out "whichever is the greater of the following amounts: one-half of"; and

(2) by striking out "$50,000" and inserting in lieu thereof "$200,000, whichever is the lessor amount".

SEC. 313. SECRETARIAL RESPONSIBILITIES.

Section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) is amended—

(1) by striking out "into the causes of family violence";

(2) by inserting "most effective" before "prevention";

(3) by striking out "and (ii)" and inserting in lieu thereof "(ii)"; and

(4) by inserting before "and (B)" the following: "(iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received,".

SEC. 314. EVALUATION AND REPORT TO CONGRESS.

Section 306 (42 U.S.C. 10405) is amended—

(1) by inserting "and every two years thereafter," after "the first time after the date of the enactment of this title,";

(2) by striking out "assurances" and inserting in lieu thereof "documentation"; and

(3) by striking out "303(a)(2)(F)" and inserting in lieu "303(a)(2)(B) through 303(a)(2)(F)".

SEC. 315. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

Section 308 (42 U.S.C. 10407) is amended to read as follows:

"SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

"(a) PURPOSE AND GRANTS.—

"(1) PURPOSE.—It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

"(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed six special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

"(b) NATIONAL RESOURCE CENTER.—The national resource center established under subsection (a)(2) shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

"(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

"(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

"(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

"(3) Child custody issues in domestic violence cases.

"(4) The use of the self-defense plea by domestic violence victims.

"(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

"(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

"(d) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

"(1) focuses primarily on domestic violence;

"(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

"(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

"(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

"(f) DEFINITION.—For purposes of this section, the term 'Indian tribal agency' means an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations.".

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

Section 310 (42 U.S.C. 10409) is amended to read as follows:

"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of sections 303 through 309 and section 313, $60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(b) SECTION 303(a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 80 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

"(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year, 5 percent shall be used by the Secretary for making grants under section 308.".

SEC. 317. CONTRACTS AND GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 (42 U.S.C. 10410) is amended to read as follows:

"SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

"(a) IN GENERAL.—The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

"(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation when domestic violence is involved;

"(C) the use of mandatory arrests of accused offenders;

"(D) the discouragement of dual arrests;

"(E) the adoption of aggressive and vertical prosecution policies and procedures;

"(F) the use of mandatory requirements for presentence investigations;

"(G) the length of time taken to prosecute cases or reach plea agreements;

"(H) the use of plea agreements;

"(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

"(K) the restitution of victims;

"(L) the use of training and technical assistance to law enforcement and court officials and other professionals;

"(M) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

"(N) the use of interstate extradition in cases of domestic violence crimes;

"(O) the use of statewide and regional planning; and

"(P) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

"(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation where domestic violence is involved;

"(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

"(D) the use of training and technical assistance for family law judges and court personnel;

"(E) the presumption of custody to domestic violence victims;

"(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;

"(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

"(H) the implementation of supervised visitations that do not endanger victims and their children; and

"(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

"(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and

"(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

"(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.

"(2) The board membership of the coalition is representative of such programs.

"(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

"(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

"(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

"(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

"(c) ALLOTMENT OF FUNDS.—From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to 1/63 of the amount appropriated for such fiscal year. For purposes of this section, the term 'combined U.S. Territories' means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

"(d) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that

the representatives of the entity may testify or make other appropriate communication—

"(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

"(2) in connection with legislation or appropriations directly affecting the activities of the entity.

"(e) REPORTING.—Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

"(f) DEFINITION.—For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to be used to award grants under this section $8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(h) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section.".

SEC. 318. REGULATIONS.

Section 312(a) (42 U.S.C. 10409(a)) is amended by adding at the end thereof the following new sentence:

"Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing such sections.".

SEC. 319. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION.

Section 313(1) (42 U.S.C. 10409(1)) is amended by striking out "characteristics relating to family violence" and inserting in lieu thereof "develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced".

SEC. 320. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Act is amended by adding at the end thereof the following new section:

"SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

"(a) IN GENERAL.—The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) APPLICATION.—No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) REQUIREMENTS.—An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) USE.—A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) CRITERIA.—The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

"(f) For purposes of this section, the term 'public or private nonprofit entity' includes an 'Indian tribe' or 'tribal organization', as defined in section 4 of the Indian Self-Determination and Education Assistance Act.".

SEC. 321. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Act (as amended by section 320) is further amended by adding at the end thereof the following new section:

"SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

"(a) IN GENERAL.—The Secretary, in cooperation with the Attorney General, shall award grants to not more than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

"(1) increase the number of prosecutions for domestic violence crimes;

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that—

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either—

"(i) a 'no-drop' prosecution policy; or

"(ii) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

"(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section $25,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(2) LIMITATION.—A grant may not be made under this section in an amount less than $2,000,000.

"(3) DELEGATION AND TRANSFER.—The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.".

SEC. 322. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

(a) GENERAL PURPOSE.—For purposes of this section, the Secretary of Education, hereinafter referred to as the "Secretary" shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) NATURE OF PROGRAM.—The Secretary, in consultation with the Secretary of Health and Human Services, shall through grants or contracts develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher education. Such model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each such group or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) AUTHORIZATION.—There are authorized to be appropriated under this section for fis-

cal year 1992, $200,000 to carry out the purposes of this section.

TITLE IV—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION

SEC. 401. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended to read as follows:

"SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

"(a) FINDINGS.—Congress finds that—

"(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nation's foster care population included more than 400,000 children at the end of June, 1990;

"(2) increasingly children entering foster care have complex problems which require intensive services;

"(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

"(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

"(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

"(6) the majority of such children are of school age, members of sibling groups or disabled;

"(7) currently one-half of children free for adoption and awaiting placement are minorities;

"(8) adoption may be the best alternative for assuring the healthy development of such children;

"(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and,

"(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

"(b) PURPOSE.—It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by—

"(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

"(C) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.".

SEC. 402. MODEL ADOPTION LEGISLATION AND PROCEDURES.

Section 202 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5112) is repealed.

SEC. 403. INFORMATION AND SERVICE FUNCTIONS.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a)—

(A) by inserting ", on-site technical assistance" after "consultant services" in the second sentence;

(B) by inserting "including salaries and travel costs," after "administrative expenses," in the second sentence; and

(C) by adding at the end thereof the following new sentence: "The Secretary shall, not later than 12 months after the date of enactment of this sentence, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this title, and such reports shall be made available to the public."; and

(2) in subsection (b)—

(A) by striking out paragraph (1) and redesignating paragraph (2) as paragraph (1);

(B) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

"(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;";

(C) in paragraph (4), by inserting before the semicolon the following: ", and to promote professional leadership training of minorities in the adoption field"; and

(D)(i) in paragraph (7), by striking "and" after the semicolon at the end;

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

"(8) maintain (directly or by grant to or contract with public or private nonprofit agencies or organizations) a National Resource Center for Special Needs Adoption to—

"(A) promote professional leadership development of minorities in the adoption field;

"(B) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

"(C) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and".

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) There are authorized to be appropriated, $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(9) and 203(c)(1).";

and

(2) in subsection (b), by striking out "$3,000,000", the first place that such appears, and all that follows through the end thereof, and inserting in lieu thereof the following: "$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(b)(9), and there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(c)(1).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. PASTOR] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. KLUG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. PASTOR].

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

Mr. Speaker, I rise in strong support of H.R. 4712, the Child Abuse Programs, Adoption Opportunities and Family Violence Prevention Amendments of 1992.

I wish to thank the chairman of the Select Education Subcommittee, Congressman MAJOR OWENS, and his staff for their diligent work in developing this legislation and moving it to the House floor for consideration today. I also wish to express my appreciation to the ranking Republican on the subcommittee, Congressman BALLENGER, and his staff, for their cooperation throughout this legislative process. The legislation before us today is a culmination of the hard work by Chairman OWENS and the members of the subcommittee.

The American family is struggling to survive under enormous pressures today. Increasingly, newspapers and television across the country document many instances of child abuse, domestic violence, child neglect, and homelessness.

The programs reauthorized in this legislation would help to stem the tide of mistreatment and neglect suffered by these children and troubled families.

The statistics associated with these problems are shocking and clearly illustrate the need for this legislation.

Reports of child abuse and neglect more than doubled in the past decade to 2.5 million in 1990, according to the National Committee for the Prevention of Child Abuse.

Approximately 6 million women in the United States are victims of some form of violence from their husbands or boyfriends each year.

Annually, approximately 1.1 million older persons are victims of moderate to severe abuse, according to a 1985 study conducted by the House Select Committee on Aging.

The FBI estimates that 4,000 women are killed each year by their spouses.

It is generally known that these statistics do not reflect the true picture since these incidences of child abuse or domestic violence are often not reported or are underreported.

The legislation before us today, H.R. 4712, addresses many of these problems and provides the means to fight the underlying causes and to fund the necessary interventions.

For example, title I of the legislation addresses programs targeted toward the prevention and treatment of child abuse. It authorizes approximately $100 million to support a variety of programs to protect children who may be vulnerable to abuse, neglect, or mistreatment. Included in the bill are grants to public and private organizations which work on the identification, prevention, and treatment of child sexual abuse. It supports programs to improve the reporting of medical neglect of children. Funds are also provided to enhance the investigation and prosecution of child abuse cases. Challenge grants are provided to States which maintain children's trust funds to prevent child abuse and neglect. Moreover, it provides emergency child abuse prevention services for children whose parents are substance abusers. For the first time, funds are targeted to programs which prevent the abuse and neglect of homeless children, as well as the separation of these children from their parents.

There are several reports over the past few years calling for a recognition that child abuse has reached crisis proportions. One such report was issued in August 1990 by the U.S. Advisory Board on Child Abuse and Neglect declaring child abuse a national emergency.

The continuing abuse of children is not only a national emergency—it is a national disgrace. Inasmuch as we have declared national emergencies on many other occasions, we cannot and should not accept the high numbers of children being damaged—physically and emotionally—without doing something constructive about it. H.R. 4712 channels funds into preventive and treatment programs to eliminate or reduce child abuse in communities across the country.

Under title III of this legislation, about $68 million is authorized for family violence prevention and services. These funds will be used to provide shelter and other related assistance to the victims of domestic violence. These victims are not only battered women, but also their dependents. All too often, we learn of women and their children fleeing an unbearable home situation and seeking protection elsewhere. To a great extent, this measure will protect and assist those individuals.

State and local law enforcement agencies—which are closely involved with domestic violence issues—will also receive funds to train their personnel on techniques for handling potential domestic disputes or actual family violence incidents.

This bill will also provide grants to foster cooperation between law enforcement agencies, domestic violence shelters, social service agencies, and hospitals involved in these explosive and unfortunate situations.

H.R. 4712 also renews existing programs which provide temporary care for children with special needs. Specially targeted for assistance are those children who have a chronic or terminal illness, those abused or neglected children who are temporarily being cared for in nurseries, as well as babies at risk of abuse.

Finally, this bill provides $30 million for a number of adoption services. This includes a national exchange program to link prospective parents with children who are available for adoption. Programs to promote the adoption of children who have certain mental, physical, or emotional handicaps are also funded in this legislation.

No doubt, the adoption of special needs children has increased. More special needs children are entering the foster care system. Many of these children are young, from minority families, are often drug-exposed, and often are from at-risk families. Since the mid-1980's, AIDS, homelessness, teen pregnancy, alcohol abuse, and the widespread crack cocaine epidemic have combined to overwhelm the various support systems.

Our choice today is clear. The children and adults from these troubled, at-risk families need our continued support. To do less for them would be unconscionable.

Demonstrate your compassion by helping to improve the health and welfare of these victimized individuals. On their behalf, I strongly urge all of my colleagues to vote for passage of this important legislation.

Mr. Speaker, I am including in the RECORD a section-by-section analysis of H.R. 4712.

SECTION BY SECTION ANALYSIS

Section 1.—Short Title and Table of Contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Subtitle A—General Provisions

Section 101.—Amendatory References.

Section 102.—Findings.

Amends the Act by inserting a section on findings, including the roles and responsibilities of local, State and Federal governments.

Subtitle B—General Program

Section 111.—Advisory Board.

Requires the Advisory Board to submit to the Secretary and to the appropriate committees of Congress a report on child and youth maltreatment-related deaths, including the Board's recommendations with respect to (1) a national policy to reduce and ultimately prevent such deaths, detailing the appropriate roles and responsibilities for State and local governments, as well as the private sector; (2) specific changes in Federal laws and programs to achieve an effective Federal role in implementing the policy; and (3) specific changes to improve national data collection on such deaths.

Authorizes $1 million for FY 1992 and such sums as may be necessary for FY 1993 through FY 1995 for the activities of the Advisory Board.

Section 112.—Research and Assistance Activities of the National Center on Child Abuse and Neglect.

Requires that research activities take into account relevant cultural factors and distinctions; that State reporting information be universal and case specific (to the extent practical) and integrated with other case-based foster care and adoption data collected by the Secretary. Requires that members of the peer review panel be experts in the field of child abuse or related disciplines; that the panel meet as often as is necessary to facilitate the expeditious review and evaluation of applications, but not less than once each year; that the panel make recommendations to the Secretary regarding whether the application shall be approved; and that the Secretary make grants from among the applications which the peer review panel has determined to have merit.

Section 113.—Grants for Demonstration or Service programs and Projects.

Requires evaluations of all projects as part of each project's activities, funding for such evaluations to be provided either as a stated percentage of the demonstration grant or contract or as a separate grant or contract for the purpose of evaluation. Discretionary grants will include training to improve the recruitment, selection, and training of volunteers.

Section 114.—Grant Program for Child Abuse, Neglect, Prevention, and Treatment.

Amends the General State Grant Program to require that grants to the States be based on the population of children under the age of 18; that grants be for the purpose of assisting the States in improving the child protective service system of each such State in: (1) intake and screening of reports of abuse and neglect; (2) investigation of such reports; (3) case management and delivery services; (4) general system enhancement (e.g., automation, training, etc.); and/or (5) developing, strengthening and carrying out child abuse and neglect prevention, treatment, and research. Subject to appropriations "trigger", limits the expenditure of funds for activity #5 to not more than 15%.

Requires submission of State Program Plans which specify the area or areas to be improved, data on current system capacity, and how improvements will occur.

The changes detailed in this subsection will not become effective until the appropriations for section 107 and 108 of the Act reaches $40 Million or on October 1, 1993, whichever comes first. While the statute is specific that States shall not be required to submit the more detailed applications or plans spelled out in the amendments until the conditions mentioned above have been fulfilled, there is nothing in the current statute or in the amendments which precludes or interferes with a State undertaking any activity included in the amendments or submitting a more detailed plan, if it chooses.

Concerns were raised by reports received that the Department is considering a "redefinition" or a policy "clarifying" the requirements of the Act pertaining to nonmedical treatments for medical conditions and their inclusion or exclusion in the term "negligent treatment or maltreatment".

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No change was made to the statute, since none is necessary. The statute is clear on this point, and its interpretation has been consistent since its inception. The exact parameters of adequate parental care are to be delineated by State law and the State Courts. Reporting and other requirements pertaining to the consistent application of these State laws and administrative/judicial systems for the protection of children and review of their medical conditions and treatments is now, and always has been, within the purview of the statute. However, nothing in the statute or its legislative history warrants or authorizes the Secretary to require the provision of medical treatment, at any point in the proceedings. As long as the State and its entities apply protective procedures and reviews consistent with the State statutes, such determinations regarding the adequacy, type and timing of medical treatment are within the sole judgement of each State system. State child protective agencies and Courts must balance all factors and follow State law and procedures in making these determinations.

Section 115.—Emergency Child Abuse Prevention Services Grant Program.

Authorizes $40 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995.

Section 116.—Grant Program for Investigation and Prosecution of Child Abuse Cases.

Amends the title and expands the scope of the program relating to the investigation and prosecution of child abuse and neglect cases by including child sexual exploitation and suspected child abuse or neglect fatalities.

Modifies the State eligibility requirements. With respect to the State Task Force, the bill modifies its composition, broadens its mandate, and makes several technical amendments to conform with current practice.

Section 117.—Authorization for Appropriations.

Authorizes $100,000,000 for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995. $5 Million would be reserved from the funds appropriated for grants under Section 107(g) of the Act, with the remainder of funds being distributed by formula between activities under Sections 104, 105 & 106 and 107 & 108 of the Title.

Subtitle C—Community-Based Prevention Grants Program

Section 121.—Title and Purpose.

Amends the title for this program and adds a purposes section.

Section 122.—Grants Authorized; Authorization of Appropriations.

Authorizes $45 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995; removes the $7 million cap on authorizations.

Section 123.—State Eligibility.

Modifies State eligibility by requiring a trust fund and to broaden the funds which may be counted for purposes of the non-Federal match.

Section 124.—Limitations.

Modifies the formula for funding the State Child Abuse Trust funds to distribute 50% of the funds appropriated under a child count/per capita distribution (with each State receiving no less than $30,000) and 50% allotted on the basis of the amount of funds in a State's Trust fund. At least 50% of these funds must be used to support community-based authorized activities, when the appropriations level exceeds $10 million. Also makes a technical amendment relating to the State Advisory Council and adds new requirements to the application concerning coordination with other programs and outcomes.

Subtitle D—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness

Section 131.—Authorization of Appropriations.

Authorizes such sums as may be necessary for FY 1993 through FY 1995 (currently authorized through 1992).

Subtitle E—Miscellaneous Provisions

Section 141.—Technical Amendments.

Amends the statute to reflect the current usage of the term "with disabilities".

Section 142.—Report Concerning Voluntary Reporting System.

Requires a report from the Secretary on the assistance given by the Department to the States in implementing the Act and the extent to which State reporting requirements conform to those required by other Federal programs.

TITLE II—REAUTHORIZATION OF THE TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT

Section 201.—Short Title.

Section 202.—Administrative Provisions.

Adds a definition identical to that in the Individuals with Disabilities Education Act and makes a technical amendment.

Section 203.—Authorization of Appropriations.

Authorizes $20 million in each of FY 1992 through FY 1995.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Section 301.—Amendatory References.

Section 302.—Expansion of Purpose.

Expands the purposes section of the program to reflect the change in nature of this program from a program to fund demonstration projects to one to fund service programs.

Section 303.—Expansion of State Grant Program.

Changes the program from a demonstration grant program to a service delivery program, and states that the primary purpose of these grants is for shelters.

Section 304.—Involvement in Planning.

Requires the State to involve State domestic violence coalitions in the formulation of its plan.

Section 305.—Confidentiality Assurances.

Requires the State to submit documentation proving development and implementation of policies and procedures on confidentiality.

Section 306.—Procedure for Evicting Violent Spouses.

Requires the State to submit documentation that the State has a law or procedure that has been implemented for eviction of an abusing spouse from a shared household.

Section 307.—Penalties for Noncompliance.

Modifies the provision regarding the correction of application deficiencies and permits the State domestic violence coalitions to participate in the process.

Section 308.—Grants to Indian Tribes.

Requires that 10% of the funds under this section be set-aside for Indian tribes and tribal organizations, as defined in the Indian Self-Determination and Education Assistance Act of 1975. Such tribes and organizations are also made eligible applicants under the other programs created in this Title.

Section 309.—Maximum Ceiling.

Removes the ceiling on a maximum grant under this program.

Section 310.—Grants to Entities Other Than States; Local Share.

Lowers the non-Federal matching requirements to 20% for the first year, 35% in the second year, and 50% for the third year and each year thereafter. In addition, the bill reduces the requirement for a private match from 50% to 25%.

Section 311.—Shelter and Related Assistance.

Modifies the provision of services section to increase the amount to be used for shelters, and to require that no less than 25% of the funds allotted be used for related services, which are broadly defined in the provision and include prevention services.

Section 312.—Allotment of Funds.

Increases the State minimum grant.

Section 313.—Secretarial Responsibilities.

Modifies and expands the research to be done by the Secretary into the area of family violence prevention and treatment.

Section 314.—Evaluation and Report to Congress.

Modifies the provision on evaluation and the report to Congress.

Section 315.—Funding for Technical Assistance Center.

The bill substantially alters the current provision for a national clearinghouse on family violence. The Secretary is required to award grants to private nonprofit entities meeting particular criteria to establish a national resource center and up to six "special issue resource centers", which are stipulated in the amendment. Funding for this activity is to be 5% of the funds appropriated for this Title.

Section 316.—Authorization of Appropriations.

Authorizes $60 million for FY 1992, and such sums as may be necessary for FY 1993 through 1995, for activities under sections 303 through 309 and 313. The bill contains certain set-asides.

Section 317.—Contracts and Grants for State Domestic Violence Coalitions.

Repeals the current law enforcement training and technical assistance program and replaces it with a program to fund state domestic violence coalitions. Specifies makeup of the coalitions, services authorized and allowed, evaluations and needs assessments and eligibility criteria. Includes an allotment formula for equal distribution between States and trust territories and has provisions on lobbying, regulations, and reports. Each domestic violence coalition is to show, in its application, that it has consulted with law enforcement entities in the development of the application and will involve the same in the program.

Authorizes $8 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995.

Section 318.—Regulations.

Stipulates that the Secretary is to publish proposed regulations for this Act within 90 days and final regulations within 120 days.

Section 319.—Family Member Abuse Information and Documentation.

Modifies the information to be collected regarding victims of family violence.

Section 320.—Grants for Public Information Campaigns.

Adds a new provision for grants for public information campaigns regarding family violence and its facets.

Section 321.—Model State Leadership Incentive Grants for Domestic Violence Intervention.

Requires the Secretary, in cooperation with the Attorney General, to make grants available to not more than ten States for the purpose of developing model methods to improve the criminal justice system's response

to domestic violence. No State may receive less than $2 Million in each Fiscal Year it receives a grant. The Secretary would delegate to the Attorney General the responsibilities for carrying out this section and would transfer the funds appropriated under this section. Eligibility requirements a State must meet, relating to its systems and policies, are stipulated in the bill. The bill authorizes a separate amount of $25 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995 for this program.

Section 322.—Education of Youth About Domestic Violence.

Requires the Secretary of Education, in consultation with the Secretary of Health and Human Services, to establish a program for educating youth about family violence. The Secretary of Education is to develop three separate model programs for different grade levels. The bill authorizes $200,000 for Fiscal Year 1992 for this activity.

TITLE IV—ADOPTION OPPORTUNITIES

Section 401.—Findings and Purpose.

Modifies the current findings provision and purposes section for the Act.

Section 402.—Model Adoption Legislation and Procedures.

Repeals the provision on the Model Adoption Legislation and Procedures, which has been carried out.

Section 403.—Information and Service Functions.

Expands the requirements for Departmental technical assistance, national recruitment efforts (particularly of minorities), public education and awareness activities and professional leadership training (particularly of minorities) and requires a report on the activities for Congress. It also amends the activities of the Secretary to require the Secretary to maintain a National Resource Center for Special Needs Adoption, in order to increase adoption opportunities for minorities and other historically underserved populations.

Section 404.—Authorization of Appropriations.

Authorizes $10 million for FY 1992, and such sums as may be necessary for FY 1993 through FY 1995 for programs under the Act, other than those under 203(b)(8) and 203(c)(1). Separate and equal amounts for each of these provisions are authorized for the same periods.

□ 1410

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

Mr. KLUG. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would first of all like to thank the chairman and ranking member of our subcommittee for their work on this important matter. Today we are considering H.R. 4712, a bill reauthorizing child abuse programs which try to find ways to prevent child abuse, neglect, and domestic violence, as well as encourage the adoption of children with special needs.

Over the past two decades, all of us have become increasingly aware of the impact that child abuse and neglect have in our society. The Select Education Subcommittee, as well as the Select Committee of Children, Youth and Families—both of which I am a member—have recently held hearings on this troubling matter. We heard testimony from child abuse experts that over 2 million children are abused and neglected each year and over 1,000 children die as a result of this abuse. Just last week, the National Center on Child Abuse Research reported in their annual survey of all 50 States that child abuse has increased 6 percent from last year, and 40 percent since 1985. Further, child fatalities resulting from child abuse increased 11 percent between 1990 and 1991.

Mr. Speaker, as the father of three children, I am greatly concerned by these statistics, and believe, like many of my colleagues, that we must move expeditiously to protect our children and families from incidents of abuse, neglect, and family violence. H.R. 4712 attempts to meet these needs by targeting Federal dollars to States, who in turn can channel these moneys to areas of their child protective services system. These areas include intake and screening of reports, investigation of reported abuse, case management, general system enhancement, developing prevention, treatment, and research. States would be required to specify which area of the child protective service systems they would be improving, provide data on the current system capacity, and indicate how funds would be used to make improvements. While I would have liked to have seen more responsibility given to States for the improvement of the child protective services system, I do believe these activities will enhance the States' efforts to reduce child abuse and neglect.

H.R. 4712 also reauthorizes the Child Abuse Challenge Grant Program, the only Federal program devoted solely to the prevention of child abuse and neglect. This bill revises this program so that the majority of the funds are spent on community-based child abuse prevention programs. I applaud this effort because I strongly believe that only at the local level can we really make an impact on reducing and preventing child abuse and neglect.

Mr. Speaker, while I am in general agreement with this bill and will support its passage, I do have two concerns that I believe deserve the Members' attention. First, H.R. 4712 changes the Family Violence State Grant Program by making these grants permanent rather than retaining them as demonstration grants, and second the local match required in order to qualify for a grant is significantly reduced. While I recognize the serious fiscal crisis facing many of our States, I do not believe these grants should become permanent. By taking such actions, I fear that commitments from State and local governments, both financial and otherwise, would be lessened, further placing the burden of dealing with family violence on the Federal Government. In order to create strong programs, I believe we need to encourage local and private dollars to compliment those from the Federal Government.

Each year billions of dollars are spent at all levels of government through law enforcement, juvenile courts, foster care, and residential facilities on adults who were mistreated and abused as children. Annual out-of-home placement and treatment costs for a single child are as high as $50,000 in some communities. By focusing our efforts on all levels of government—Federal, State, and local—we can hope to reduce the tremendous social costs of these human tragedies.

Once again I want to thank the chairman for bringing this legislation to us today, and I urge my colleagues to support H.R. 4712.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from North Carolina [Mr. BALLENGER], the ranking member on the subcommittee.

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

Mr. Speaker, I rise to support H.R. 4712, the Child Abuse Prevention and Treatment Act which authorizes programs to prevent child abuse and neglect and domestic violence while providing opportunities through adoption of children with special needs.

Child abuse and neglect is increasing in this country and it is my hope that this legislation can help States design child protective services systems that will reduce such abuse and work to keep families together. According to a report recently issued by the National Center on Child Abuse Prevention Research, there were 2.6 million reports of child abuse and neglect in 1991, an increase of 6 percent over 1990. Nearly 1,400 children died as a result of child maltreatment in 1991 which is an 11-percent increase over 1990. Most alarming in the report is that almost 80 percent of children who died as a result of child abuse were under age 5 and 56 percent were infants. These statistics must be reduced.

H.R. 4712 begins to address this problem by requiring States to target Federal dollars in five different areas in order to improve their child protective services system. Those areas include intake and screening of reports of child abuse and neglect, investigation of such reports, case management, general system enhancement and developing prevention, treatment and research programs. By targeting Federal dollars to specific areas of need, States can improve their system so that children are protected and families are given the necessary services to stay together thereby lowering out-of-home placements for children.

In addition, this bill authorizes grants to States to prevent domestic violence and targets the majority of the Federal dollars to shelters for victims of domestic violence. Domestic vi-

olence is also increasing with an estimated 3 to 4 million American women injured each year. As we have come to realize, family violence and child abuse are intertwined with an estimated 3.3 million children witnessing family violence each year. These children, in turn, are more at risk of suffering physical abuse or neglect themselves and also more at risk of repeating such abuse on their own children. H.R. 4712 provides funding for direct services such as shelters and counseling while retaining the focus on prevention. In addition, a new program is authorized to begin educating children at school about ways to prevent family violence and talk out problems before resorting to violence to resolve their problems. Such education is critical if we want to ensure that domestic violence is not repeated in the next generation.

Finally, Mr. Speaker, H.R. 4712 reauthorizes the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act. This legislation continues demonstration grants to States to assist private and public organizations in providing respite care to families who have a disabled child. Respite care is a needed service for parents and families of children with disabilities and it is a program that will ultimately save the taxpayer millions of dollars. Without the availability of respite care, the other alternative for parents is out-of-home residential placement. This alternative currently costs the Federal Government approximately $8.5 billion annually and has negative consequences for the parents, for the disabled child, and for the taxpayer. Respite care is a service that provides parents with severely disabled children an occasional break from the needs of those children. I visited a respite care center in Boone, NC, and was convinced that this program and others like it across the country is good for the parents; good for the family; good for the disabled child; and good for the taxpayer.

I want to thank Chairman OWENS and his staff for working with the minority to bring this bill to the floor and I urge my colleagues to support this legislation.

□ 1420

Mr. KLUG. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in support of the Child Abuse Prevention and Family Services Act. I know the committee has worked diligently to create this much needed legislation and I commend them for their work.

Because I have been an advocate for domestic violence programs, I am especially pleased with the Family Violence Prevention and Services Act. Included in this legislation, among other provisions, is Federal funding for shelters and support programs. This legislation changes State grant demonstration programs to permanent service delivery programs. The primary purpose of these programs is for shelters—a lifetime for battered women.

Housing is, in fact, one of the most basic issues a battered woman and her children face when attempting to escape an abusive home. For a battered woman, the availability of safe and affordable housing can mean the difference between life-threatening abuse and a life free from the terror. Programs funded by this legislation will create viable options for women and children fleeing domestic violence.

Another important part of this legislation is the inclusion of State domestic violence coalitions in the planning and evaluation of programs authorized by this legislation. State domestic violence coalitions provide leadership in the development and maintenance of shelters and related services for domestic violence survivors. They also provide direction for community-based domestic violence education programs.

This year 3 to 4 million women will be beaten by a spouse or partner, 3,000 to 4,000 women will die from those beatings, and more than 3 million children will watch this violence in their own homes.

Today we have the opportunity to take a step toward ending this national tragedy of family violence. We should take that step and support this legislation.

Again, I commend those leaders on both sides of the aisle, the gentleman from New York [Mr. OWENS], the gentleman from Arizona [Mr. PASTOR], our ranking member, the gentleman from North Carolina [Mr. BALLENGER], and the gentleman from Wisconsin [Mr. KLUG], for their dedication in bringing this legislation forward.

Mr. KLUG. Mr. Speaker, I yield 3 minutes to the distinguished ranking member of the Committee on Education and Labor, my friend, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 4712 which will reauthorize important programs to prevent child abuse and neglect and domestic violence.

One of the most tragic problems facing this Nation is child abuse and neglect. For the innocent children who are the victims of these crimes, child abuse often leaves physical and emotional scars that never heal.

H.R. 4712 attempts to address some of these problems through an expanded State grant program which will target Federal dollars in specific areas where improvements can be made to State child protective services systems. One of those areas is in case management and the delivery of services to children and their families where the child abuse has been substantiated but where the child has remained in the home without the risk of removal. Under this bill, the State must assess the activities and outcomes of improved response time for services to these children and families and report on the number of child protective service workers responsible for providing services to the family and the child in their own home.

I am very concerned that programs we authorize in this area work to keep families together and I am pleased that this legislation specifically states that our national policy should strengthen families to remedy the cause of child abuse, provide support for intensive services to prevent the unnecessary removal of children from their families, and promote the reunification of families if removal has taken place. It is critical that we do not take children out of the home without well substantiated facts that abuse has occurred. Child protective services workers must be absolutely sure that abuse has occurred before disrupting the family and removing the child. Well trained child protection services workers are needed to ensure that these needs are met. H.R. 4712 allows States to spend Federal dollars on staff training so that staff on the frontlines of intervention will have the necessary skills, tools, and knowledge with which to provide services to families and their children.

Every year children are starved and abandoned, burned and severely beaten, raped and sexually abused, berated and belittled. The system the Nation has devised to respond to child abuse and neglect is failing, and the United States is spending billions of dollars on programs that deal with its failure. Furthermore, the evidence indicates abused children often grow up to become abusive parents. It is my hope that the changes we have made to these programs through H.R. 4712 will begin to make a dent in reducing child abuse and neglect in this country and promote ways to prevent abuse from taking place. I urge my colleagues to support this legislation so that efforts can be made to prevent child abuse and neglect where possible and to treat its victims in a timely, compassionate, and effective manner.

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

Mr. Speaker, on behalf of the people who will benefit from these moneys and these programs, the children who are abused or neglected, the women who are battered, the special-needs children will be adopted, on their behalf I would like to thank my Republican colleagues, and in particular the gentleman from North Carolina [Mr. BALLENGER] and the gentleman from Wisconsin [Mr. KLUG], for their cooperation in bringing this bill on the floor.

□ 1430

I would also like to commend the gentleman from New York [Mr. OWENS]

and the subcommittee for their fine work, and I urge my colleagues to adopt this legislation.

Mr. OWENS of New York. Mr. Speaker, it is fitting that we pass H.R. 4712 during Child Abuse Prevention Month. The bill represents the most significant advance since child abuse programs were established almost two decades ago. The seriousness of the problem is underscored by reports of 2.5 million suspected cases of child abuse and neglect and more than 1,200 confirmed fatalities.

I want to thank Congressman PASTOR for managing the bill, and would like to acknowledge the work of Congressman BALLENGER, the members of the Subcommittee on Select Education, and our respective staffs.

The bill makes significant changes to the act to improve both the impact and visibility of Federal child abuse and neglect efforts. It is appropriate that H.R. 4712 signal a more vigorous role for the Federal Government in this area. In this regard, the U.S. Child Abuse Advisory Board has been vital in helping us to respond to this national emergency. The Advisory Board has called for a national, child-centered, neighborhood-based, comprehensive child protection approach. Although there are at least 28 agencies charged with specific activities pertaining to child abuse and neglect, the Advisory Board has identified the National Center on Child Abuse and Neglect [NCCAN] as coming closest to providing a focal point for Federal efforts. However, inadequate funding and staffing have hampered the center's ability to play the critical leadership role that is needed.

The reauthorization has mobilized the Democrats and Republicans to seek significant increases for the Advisory Board, the center, and the programs. The bill supports an authorization of $1 million for the Advisory Board so that NCCAN's budget is no longer affected by the Board's activities. The Advisory Board requires a budget that will allow it to continue to carry out functions that guide our Federal efforts as well as take on new responsibilities in providing leadership in the area of child abuse fatalities. There is a disturbing rise in the number of child abuse fatalities; yet, there is no standardized system for identifying and reporting them. The Advisory Board's recommendations in this area will be vitally important.

H.R. 4712 will strengthen the quality of NCCAN-funded research and demonstration projects by enhancing the peer review system to ensure that only those meritorious applications selected by qualified peer review panelists are funded and by requiring an evaluation for each funded project. The bill proposes a new State grant program to form the core component of the expanded Federal effort. States will develop plans to significantly improve their often overwhelmed child protective service systems. The revised community-based prevention grant program will encourage States to more fully participate in prevention activities at the level of urban and suburban neighborhoods. Changes to the Family Violence Prevention and Services Program include: The establishment of 6 information and technical assistance centers to provide resource information, training, and technical assistance to Federal, State, and Indian tribe agencies, local domestic violence programs, and other professionals who provide services to victims of domestic violence; provision for 10 model State leadership grants for domestic violence intervention; and the establishment of programs—1 each for primary and middle schools, secondary schools, and institutions of higher education—for educating youth about domestic violence.

I will continue to work to further strengthen these programs, particularly with regard to defining the role of the National Center on Child Abuse and Neglect and ensuring that it receives the appropriate level of resources and expertise.

I urge my colleagues to support the passage of this needed and important legislation.

Mrs. LLOYD. Mr. Speaker, I am very pleased to rise in strong support of H.R. 4712, the Child Abuse Prevention and Family Services Act. This important bill authorizes, through fiscal year 1995, programs under the Child Abuse Prevention and Treatment Act, The Family Violence Prevention Act, the Adoption Opportunities Act, and the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act.

The measure provides much needed support for these programs, and significantly increases authorized levels of funding, providing fiscal year 1992 authorizations of $186 million for the Child Abuse Prevention Programs, $93 million for Family Violence Prevention Programs, and $30 million for Adoption Opportunities Programs.

These programs have many essential functions and are vital to the ongoing efforts in the Third Congressional District of Tennessee to address the growing problem of child abuse.

The Child Abuse Prevention and Treatment Act provides assistance for State and local efforts to prevent child abuse and to identify and treat its victims. It finances a national center on child abuse and neglect to oversee research on the problem, coordinates Federal child abuse prevention efforts, and acts as an information clearinghouse on prevention and treatment programs.

The Family Violence Prevention and Services Act provides assistance for programs to prevent family violence, train law enforcement officers in dealing with family violence, promote cooperation between law enforcement and social service providers, and operate a national information and research clearinghouse.

The Adoption Opportunities Act provides assistance to help place otherwise hard-to-place children in adoptive homes, including older children, minority children, and children with disabilities.

The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act provides funding for temporary respite care for children with disabilities, and temporary crisis nurseries for children who have been, or are in danger of, being abused.

Passage of the Child Abuse Prevention and Family Services Act today, to reauthorize funding for these programs, couldn't be more timely. Over the past decade, the problems facing at-risk children and families has reached crisis proportions as reports of child abuse and neglect have more than doubled to 2.5 million in 1990, the number of children entering foster care has risen, and substance abuse among women has increased. These and other factors such as homelessness and teen pregnancy have begun to overwhelm programs intended to help such children and their families. Clearly, steps must be taken to assist those providers who are offering these essential services.

I am very pleased that in my own community there are many caring individuals involved in this issue who are a beacon of hope for children and families in crisis. I salute them for their outstanding work. This past Saturday, April 4, I was privileged to have the opportunity to attend, with my granddaughter Meredith, Chattanooga's first Children's March for Children, sponsored by the Altrusa International Club of Chattanooga, to raise money for the Children's Advocacy Center of Hamilton County.

The Altrusa International Club of Chattanooga is recognized within our community for numerous achievements. Many of their worthy projects benefit the children in the community.

The Children's Advocacy Center [CAC] of Hamilton County is a private, not-for-profit, organization which works on behalf of children within the system of public and private agencies to provide a team approach for children and their families involved in child abuse. The Children's Advocacy Center will offer a comfortable, homelike setting where children feel safe and their families can regain their ability to function. The Children's Advocacy Center serves the community through education of child abuse and offers staff training and development.

The importance of the Children's Advocacy Center in Hamilton County cannot be overstated. This group of representatives from area service providers are working together as a team for the benefit of children in need of support. The active involvement of different agencies demonstrates the broad interest in the success of this project. These agencies include: T.C. Thompson Children's Hospital, Chattanooga Police Department, and mental health and counseling agencies among others. Obviously, this program means a lot to many people. In 1990 alone, in Hamilton County there were 1,722 cases of reported child abuse. This problem plaques not only Hamilton County but the Nation as well, and we must be supportive of any efforts to ease the suffering.

I have been working with the center to help them secure assistance for their efforts and I'll continue to do whatever I can on their behalf. They are looking for staff assistance and volunteer help and I've also encouraged others to join with them in working for the benefit of children who desperately need support.

I am very proud of all the members of my community, particularly those involved with the Children's Advocacy Center of Chattanooga, who have taken it upon themselves to address this issue in a loving, caring, and thoughtful manner. They are people who are interested in working to better children's lives.

I am proud to salute the dedicated individuals in connection with the Children's Advocacy Center in Hamilton County, TN and I hope that other groups across the Nation will emulate their efforts.

Passage of this legislation is a good start in making sure that all programs serving families and children in crisis are adequately funded. I urge my colleagues to join with me in supporting the Child Abuse Prevention and Family Services Act.

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of H.R. 4712, the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992.

I have long been distressed by the abusive conditions which face millions of children, and the failure of child protection and child welfare systems to respond. The Child Abuse Prevention and Treatment Act was one of the first bills I introduced when I came to Congress and this legislation before us today is more urgently needed than ever.

Last week, the National Committee for Prevention of Child Abuse released its latest data on child abuse and the new statistics are shocking. Every 6 hours, a child is reported to be a fatal victim of maltreatment; reported child abuse fatalities rose last year alone by 10 percent. The total number of child abuse reports increased once again in 1991, climbing to over 2.6 million reports—42 reports for every 1,000 children in the United States. Child abuse reports have grown steadily in recent years, and now are 40 percent higher than in 1985.

Reversing these trends requires a change in strategy. We currently spend over $2 billion responding to child abuse after it has occurred. Last week, the select committee heard that prevention strategies which provide support to families before crises arise save money, spare pain, and save lives. Successful prevention efforts such as family preservation and home visiting already exist in several States, and should be encouraged throughout the Nation.

H.R. 4712 addresses this increased need for prevention services by expanding support for community-based and family violence prevention efforts. The legislation authorizes funds for respite care to assist children with chronic or terminal illnesses, crisis nurseries for abused and neglected children, and programs to prevent abuse to children of homeless families. The bill also increases child abuse investigative and treatment efforts, and strengthens the mission of the U.S. Advisory Board on Child Abuse and Neglect.

Today, because of our failure to address the crisis aggressively, another four children will probably die from child abuse. Let's put the programs in place to keep children alive and healthy. I urge my colleagues to approve this important cost-effective, child-saving legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. PASTOR] that the House suspend the rules and pass the bill, H.R. 4712, 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.

Mr. PASTOR. Mr. Speaker, I ask unanimous consent that the committee on Education and Labor be discharged from further consideration of the Senate bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. (Mr. MAZZOLI). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 838

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 "Child Abuse, Domestic Violence, Adoption and Family Services Act of 1991".

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

SEC. 102. FINDINGS.

(a) IN GENERAL.—The Act is amended by inserting after the table of contents the following new section:

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

"(2) many of these children and their families fail to receive adequate protection or treatment;

"(3) the problem of child abuse and neglect requires a comprehensive approach that—

"(A) integrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

"(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

"(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

"(D) ensures properly trained and supported staff with specialized knowledge, to carry out their child protection duties; and

"(E) is sensitive to ethnic and cultural diversity;

"(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

"(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

"(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

"(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

"(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

"(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

"(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

"(11) the Federal government should provide leadership and assist communities in their child protection efforts by—

"(A) promoting coordinated planning among all levels of government;

"(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

"(C) strengthening the capacity of States to assist communities;

"(D) allocating sufficient financial resources to assist States in implementing community plans;

"(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

"(F) providing leadership to end the abuse and neglect of the nation's children and youth.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 1, the following new item:

"Sec. 2. Findings.".

SEC. 3. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

(a) IN GENERAL.—Section 102 (42 U.S.C. 5102) is amended by adding at the end thereof the following new subsection:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 1992.".

Subtitle A—General State Program

SEC. 110. GRANT PROGRAM FOR CHILD ABUSE NEGLECT PREVENTION AND TREATMENT.

Section 107 (42 U.S.C. 5106a) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

"(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

"(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

"(B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

"(C) improving legal preparation and representation;

"(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

"(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

"(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs."; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall annually submit a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

"(1) INTAKE AND SCREENING.—

"(A) STAFFING.—The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

"(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

"(C) PUBLIC EDUCATION.—An assessment of the State or local agency's public education program with respect to—

"(i) what is child abuse and neglect;

"(ii) who is obligated to report and who may choose to report; and

"(iii) how to report.

"(2) INVESTIGATION OF REPORTS.—

"(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

"(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(C) INTERAGENCY COORDINATION.—A description of the extent to which interagency coordination processes exist and are available Statewide, and whether protocols or formal policies governing interagency relationships exist in the following areas—

"(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;

"(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and

"(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

"(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

"(E) LEGAL REPRESENTATION.—A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

"(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal, the State shall assess the activities and the outcomes of the following services:

"(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

"(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

"(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

"(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

"(4) GENERAL SYSTEM ENHANCEMENT.—

"(A) AUTOMATION.—A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

"(B) ASSESSMENT TOOLS.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

"(C) INFORMATION AND REFERRAL.—A description and assessment of the extent to which a State has in place—

"(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

"(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

"(D) STAFF CAPACITY AND COMPETENCE.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

"(5) INNOVATIVE APPROACHES.—A description of—

"(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

"(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed.".

SEC. 111. GRANT PROGRAM FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

Section 109 (42 U.S.C. 5106c) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.";

(2) in subsection (a), by striking out paragraphs (1) and (2), and inserting in lieu thereof the following new paragraphs:

"(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

"(2) the handling of cases of suspected child abuse or neglect related fatalities; and

"(3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.";

(3) in subsection (b)—

(A) by striking out "and 107(e) or receive a waiver under section 107(c)" in paragraph (1);

(B) by striking out "and" at the end of paragraph (3);

(C) by inserting "annually" after "submit" in paragraph (4); and

(D) by striking out the period at the end thereof and inserting the following: "; and

"(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (4) of subsection (a).";

(4) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ", and maintain" after "designate"; and

(ii) by striking out "child abuse" and inserting in lieu thereof "child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities";

(B) by striking out "judicial and legal officers", in subparagraph (B) and inserting in lieu thereof "judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect";

(C) by inserting before the semicolon in subparagraph (C), the following: ", including both attorneys for children and, where such programs are in operation, court appointed special advocates";

(D) by striking out subparagraph (E); and

(E) by striking out "handicaps;" in subparagraph (F), and inserting in lieu thereof "disabilities; and"; and

"(G) by striking out subparagraph (G) and redesignating subparagraph (H) as subparagraph (G);

(5) in subsection (d)—

(A) by striking out "the State task force shall" in the matter preceding paragraph (1), and inserting in lieu thereof "and at three year intervals thereafter, the State task force shall comprehensively";

(B) by striking out "judicial" and all that follows in paragraph (1), and inserting in lieu thereof the following: "both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;";

(C) by inserting "policy and training" before "recommendations" in paragraph (2); and

(6) in subsection (e)(1)—

(A) by striking out "child abuse" and all that follows through "child victim" in subparagraph (A), and inserting in lieu thereof the following: "child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family";

(B) by striking out "improve the rate" and all that follows through "abuse cases" in subparagraph (B), and inserting in lieu thereof the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C)—

(i) by inserting ", protocols" after "regulations"; and

(ii) by inserting "and exploitation" after "sexual abuse".

Subtitle B—Community-Based Prevention Grants

SEC. 121. TITLE HEADING AND PURPOSE.

(a) TITLE HEADING.—The heading for title II (42 U.S.C. 5116 et seq.) is amended to read as follows:

"TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS".

(b) PURPOSE.—Section 201 (42 U.S.C. 5116) is amended—

(1) in the section heading to read as follows:

"SEC. 201. PURPOSES."; and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.".

SEC. 122. DEFINITIONS.

Section 202 (42 U.S.C. 5116a) is amended—

(1) in paragraph (1), by striking out "and" at the end thereof; and

(2) in paragraph (2), by striking out the period and inserting in lieu thereof "; and".

SEC. 123. STATE ELIGIBILITY.

Section 204 (42 U.S.C. 5116c) is amended—

(1) by striking out "or other funding mechanism"; and

(2) by striking out "which is available only for child" and all that follows through the end thereof, and inserting "which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities.".

SEC. 124. LIMITATIONS.

Section 205 (42 U.S.C. 5116d) is amended—

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) ALLOTMENT FORMULA.—

"(A) IN GENERAL.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

"(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than $30,000; and

"(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

"(B) USE OF AMOUNTS.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed $10,000,000."; and

(2) in subsection (b)(1)—

(A) by striking out "trust fund advisory board" and all that follows through "section 101" in subparagraph (A) and inserting in lieu thereof "advisory board established under section 102";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (A), the following new subparagraphs:

"(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

"(C) demonstrate the outcome of services and activities funded under this title;

"(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

"(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;".

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness

SEC. 131. CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS.

Section 302(b) (42 U.S.C. 5118a(b)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3), the following new paragraphs:

"(4) the provision of emergency housing-related assistance necessary to prevent the placement of children in out-of-home care, to facilitate the reunification of children with their families, and to enable the discharge of youths not less than 16 years of age from such area, including assistance in meeting the costs of—

"(A) rent or utility arrears to prevent an eviction or termination of utility services;

"(B) security and utility deposits, first month's rent, and basic furnishings; and

"(C) other housing-related assistance;

"(5) the provision to families, and to youths not less than 16 years of age who are preparing to be discharged from such care, of temporary rent subsidies necessary to prevent the initial or prolonged placement of children in out-of-home care, which subsidies are provided in an amount not exceeding 70 percent of the local fair market rental value and are provided for a period not to exceed 180 days; and".

Subtitle D—Child Abuse Treatment Improvements Grants

SEC. 141. ESTABLISHMENT OF PROGRAM.

The Act is amended by adding at the end thereof the following new title:

"TITLE IV—MISCELLANEOUS PROGRAMS

"SEC. 401. CHILD ABUSE TREATMENT IMPROVEMENTS GRANT PROGRAM.

"(a) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the 'Secretary'), acting through the Administration for Children, Youth and Families, may award grants to eligible entities to improve the treatment of children exposed to abuse or neglect and the families of such children, particularly when such children have been placed in out-of-home care.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a State or local public or nonprofit private entity;

"(2) be responsible for administering or providing child welfare services (including out-of-home services); and

"(3) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including the information required under subsection (c).

"(c) CONTENTS OF APPLICATION.—An application submitted by an entity under subsection (b)(4) shall contain—

"(1) a description of the proposed program to be established, implemented or improved using amounts received under a grant, including the specific activities to be undertaken, the agencies that will be involved, the process that has been established for evaluating such activities, and the nature of any innovations proposed;

"(2) evidence of the need that the activity or program, to be conducted using amounts received under the grant, will address;

"(3) assurances that amounts received under the grant will be used to supplement, not supplant, existing funds provided by the State for child welfare purposes;

"(4) assurances that the applicant entity will provide not less than 20 percent of the total amounts needed to pay the costs associated with the program funded under such grant;

"(5) assurances that the applicant entity will provide information to the Secretary concerning the progress and outcome of the program to be funded under such grant;

"(6) a description of the procedures to be used to disseminate the findings derived from the program to be funded under such grant within the State;

"(7) a description of the extent to which multiple agencies will be involved in the design, development, operation, and staffing of the program to be funded under such grant; and

"(8) and other information determined appropriate by the Secretary.

"(d) USE OF FUNDS.—An entity may use amounts provided under a grant awarded under this section to—

"(1)(A) develop models of out-of-home care that are designed to promote the reunification of children with their families, including training and support components for foster parents to enable such parents to assist the birthparents with reunification efforts, except that such efforts must be determined to be in the best interest of the child;

"(B) develop comprehensive service approaches for child out-of-home care and for the families of such children, specifically focused on reunification; and

"(C) establish activities that are designed to promote visitation of parents and children, such as the establishment of neutral settings for structured visits between biological parents and children in care;

"(2) develop activities that are designed to support relatives caring for children who have been abused or neglected or children from families where substance abuse is present;

"(3) enhance the reimbursement and other support provided to foster parents, including relatives, to promote better recruitment and retention of foster parents;

"(4) develop activities and programs designed to—

"(A) promote the healthy physical, social, emotional, and educational development of children in out-of-home care and under child abuse preventive services supervision, including—

"(i) the conduct of comprehensive, multidisciplinary assessments of the physical, social, emotional, and educational development of such children, with particular attention given to the needs and strengths of the families of such children; and

"(ii) the development of services to meet such needs which involve multiple service agencies and alternative support systems within the community;

"(B) provide training for foster parents to address the physical, social, emotional, and educational needs of the children in their care; or

"(C) provide special programs to assist children with academic or developmental problems;

"(5) develop and implement programs that provide mentors, who are adults from the community or who are former foster youths, to youths in out-of-home care, in order to address their special needs, increase self esteem, and provide role models;

"(6) provide incentives that may be necessary to establish and recruit foster family homes for special populations, including children who are medically fragile or have other special physical, mental, and emotional disabilities, adolescent mothers and their children who are in care, and children who have been sexually abused;

"(7) hire staff with specialized knowledge in the areas of substance abuse, child development, education, health care, and adolescents, to provide support and act as a resource for caseworkers working with children and families with special needs in these areas; and

"(8) conduct other activities as the Secretary determines appropriate.

"(e) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall consider—

"(1) the geographic dispersion of the applicants for such grants;

"(2) the likelihood that the proposed service approach of the applicant would be transferable to other sites; and

"(3) the need for variety in the problems to be addressed by the applicants and in the models used to address similar problems.

"(f) ADMINISTRATION.—In administering the grant program established under this section the Administration for Children, Youth and Families shall—

"(1) require grantees to submit annual reports concerning the projects funded under such grants and a final report assessing the outcome of such projects;

"(2) arrange for the dissemination of project results through such means as the child welfare resource centers and the National Clearinghouse on Child Abuse and Neglect; and

"(3) provide for the evaluation of projects funded under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for fiscal year 1992, and such sums as may be necessary in each of the fiscal years 1993 and 1994.".

SEC. 142. TECHNICAL AMENDMENT.

The Act is amended in the table of contents in section 1(b) by adding at the end thereof the following new items:

"TITLE IV—MISCELLANEOUS PROGRAMS

"Sec. 401. Child abuse treatment improvements grant program.".

Subtitle E—Reauthorization of Certain Programs

SEC. 151. EMERGENCY GRANT PROGRAM.

Section 107A(e) (42 U.S.C. 5106a-1(e)) is amended by striking out "and such sums" and all that follows through the end thereof and inserting "such sums as may be necessary for fiscal year 1991, $40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 152. GENERAL GRANT PROGRAMS.

Subsection (a) of section 114 (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, except for section 107A, $150,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994. Of amounts appropriated under this section in any fiscal year—

"(1) 33⅓ percent of such amounts shall be made available in each such fiscal year for activities under sections 104, 105 and 106; and

"(2) 66⅔ percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108.

A State may spend the entire amount provided to such State under this title in a fiscal year for the purposes described in subsection (a)(5) of section 107, except that subsequent to the date on which the amount appropriated and available under paragraph (2) exceeds $40,000,000, such State shall not spend in excess of 15 percent of such amounts for the purposes described in subsection (a)(5) of section 107.".

SEC. 153. COMMUNITY-BASED PREVENTION GRANTS.

Section 203 (42 U.S.C. 5116b) is amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated), by striking out "such sums" and all that follows through the period and inserting in lieu thereof "$50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 154. PREVENTIVE SERVICES FOR CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS.

Section 306(a) (42 U.S.C. 5118e(a)) is amended by inserting ", and such sums as may be necessary in each of the fiscal years 1993 and 1994" before the period.

Subtitle F—Miscellaneous Provisions

SEC. 161. REPORT CONCERNING VOLUNTARY REPORTING SYSTEM.

Not later than April 30, 1992, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 479 of the Social Security Act.

TITLE II—CHILDREN WITH DISABILITIES TEMPORARY CARE

SEC. 201. SHORT TITLE.

This title may be cited as the "Children With Disabilities Temporary Care Reauthorization Act of 1991".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended in the first sentence, by inserting before the period the following: ", and $20,000,000 for each of the fiscal years 1992 through 1994".

SEC. 203. TECHNICAL AMENDMENT.

Section 205(a)(1)(A)(vi) of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(a)(1)(A)(vi)) is amended by striking out "(vi)" and inserting in lieu thereof "(v)".

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1991, or on the date of the enactment of this Act, whichever occurs later.

TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

SEC. 301. REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family Vio-

lence Prevention and Services Act (42 U.S.C. 10401 et seq.).

SEC. 302. EXPANSION OF PURPOSE.

Section 302 (42 U.S.C. 10401) is amended—

(1) in paragraph (1)—

(A) by striking out "demonstration the effectiveness of assisting" and inserting in lieu thereof "assist"; and

(B) by striking out "to prevent" and inserting in lieu thereof "to increase public awareness about and prevent"; and

(2) in paragraph (2), by inserting ", courts, legal, social service, and health care professionals" after "(including law enforcement agencies".

SEC. 303. EXPANSION OF STATE GRANT PROGRAM.

Section 303(a) (42 U.S.C. 10402(a)) is amended—

(1) in paragraph (1), by striking out "demonstration grants" and inserting in lieu thereof "grants"; and

(2) in paragraph (2)—

(A) by striking out "demonstration grant" in the matter preceding subparagraph (A), and inserting in lieu thereof "grant";

(B) by striking out "demonstration grant" in subparagraph (A), and inserting in lieu thereof "grant"; and

(C) by striking out "particularly those projects" in subparagraph (B)(ii) and all that follows through the end thereof, and inserting in lieu thereof the following: "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.".

SEC. 304. INVOLVEMENT IN PLANNING.

Section 303(a)(2)(C) (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "State domestic violence coalitions" after "involve".

SEC. 305. CONFIDENTIALITY ASSURANCES.

Section 303(a)(2)(E) (42 U.S.C. 10402(a)(2)(E)) is amended by striking out "assurances that procedures will be developed" and inserting in lieu thereof "documentation that procedures have been developed, and implemented including copies of the policies and procedure,".

SEC. 306. PROCEDURE FOR EVICTING VIOLENT SPOUSES.

Section 303(a)(2)(F) (42 U.S.C. 10402(a)(2)(F)) is amended to read as follows:

"(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;".

SEC. 307. PENALTIES FOR NONCOMPLIANCE.

Section 303(a)(3) (42 U.S.C. 10402(c)) is amended—

(1) by inserting "a 6-month period providing an" before "opportunity"; and

(2) by adding at the end thereof the following new sentences: "The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of subsection (a)(2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of subsection (a)(2), except that no funds made available to State Domestic Violation Coalitions under section 311 shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of subsection (a)(2).".

SEC. 308. GRANTS TO INDIAN TRIBES.

Section 303(b) (42 U.S.C. 10402(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "is authorized to make demonstration grants" and inserting in lieu thereof ", from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants";

(B) by striking out "and tribal" and inserting in lieu thereof ", tribal"; and

(C) by inserting "and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation", after "tribal organizations"; and

(2) in paragraph (2)—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by striking out "and (E)" and inserting in lieu thereof "(E) and (F)"; and

(C) by adding at the end thereof the following new sentence: "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section.".

SEC. 309. MAXIMUM CEILING.

Subsection (c) of section 303 (42 U.S.C. 10402(c)) is repealed, and subsections (d) through (g) are redesignated as subsections (c) through (f), respectively.

SEC. 310. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

The section 303(e) (42 U.S.C. 10402(f)) (as so redesignated by section 309) is amended—

(1) in the first sentence—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by inserting "or an Indian Tribe" after "State";

(C) by striking out "35 percent" and inserting in lieu thereof "20 percent";

(D) by striking out "55 percent" and inserting in lieu thereof "35 percent";

(E) by striking out "65 percent in the third such year" and inserting in lieu thereof "and, for any year thereafter"; and

(2) in the second sentence, by striking out "50 percent" and inserting in lieu thereof "25 percent".

SEC. 311. SHELTER AND RELATED ASSISTANCE.

(a) SHELTER.—Section 303(f) (42 U.S.C. 10402(g)) (as so redesignated by section 309) is amended—

(1) by striking out "60 percent" and inserting in lieu thereof "70 percent"; and

(2) by inserting before the period the following "as defined in section 309(4). Not less than 15 percent of the funds distributed under subsection (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 309(5)(A), and not more than 10 percent for the purpose of providing family violence prevention services as defined under section 309(5)(B)".

(b) DEFINITION.—Paragraph (5) of section 309 (42 U.S.C. 10408(5)) is amended to read as follows:

"(5) The term 'related assistance' means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance—

"(A) shall include—

"(i) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

"(ii) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

"(iii) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

"(iv) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims; and

"(B) may include prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers.".

SEC. 312. ALLOTMENT OF FUNDS.

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended—

(1) by striking out "whichever is the greater of the following amounts: one-half of"; and

(2) by striking out "$50,000" and inserting in lieu thereof "$200,000, whichever is the lessor amount".

SEC. 313. SECRETARIAL RESPONSIBILITIES.

Section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) is amended—

(1) by striking out "into the causes of family violence";

(2) by inserting "most effective" before "prevention";

(3) by striking out "and (ii)" and inserting in lieu thereof "(ii)"; and

(4) by inserting before "and (B)" the following: "(iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received,".

SEC. 314. EVALUATION AND REPORT TO CONGRESS.

Section 306 (42 U.S.C. 10405) is amended—

(1) by inserting "and every two years thereafter," after "the first time after the date of the enactment of this title,";

(2) by striking out "assurances" and inserting in lieu thereof "documentation"; and

(3) by striking out "303(a)(2)(F)" and inserting in lieu "303(a)(2)(B) through 303(a)(2)(F)".

SEC. 315. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

Section 308 (42 U.S.C. 10407) is amended to read as follows:

"SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

"(a) PURPOSE AND GRANTS.—

"(1) PURPOSE.—It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

"(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed six special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

"(b) NATIONAL RESOURCE CENTER.—The national resource center established under subsection (a)(2) shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

"(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

"(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

"(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

"(3) Child custody issues in domestic violence cases.

"(4) The use of the self-defense plea by domestic violence victims.

"(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

"(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

"(d) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

"(1) focuses primarily on domestic violence;

"(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

"(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

"(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

"(f) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations.

"(g) FUNDING.—From the amounts appropriated under section 310, not in excess of 5 percent of such amount for each fiscal year shall be used for the purpose of making grants under this section.".

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

Section 310 (42 U.S.C. 10409) is amended to read as follows:

"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of sections 303 through 309 and section 313, $85,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(b) SECTION 303 (a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 80 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

"(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 5 percent shall be used by the Secretary for making grants under section 308.".

SEC. 317. LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS AND GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 (42 U.S.C. 10410) is amended to read as follows:

"SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

"(a) IN GENERAL.—The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

"(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation when domestic violence is involved;

"(C) the use of mandatory arrests of accused offenders;

"(D) the discouragement of dual arrests;

"(E) the adoption of aggressive and vertical prosecution policies and procedures;

"(F) the use of mandatory requirements for presentence investigations;

"(G) the length of time taken to prosecute cases or reach plea agreements;

"(H) the use of plea agreements;

"(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

"(K) the restitution of victims;

"(L) the use of training and technical assistance to law enforcement and court officials and other professionals;

"(M) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

"(N) the use of interstate extradition in cases of domestic violence crimes;

"(O) the use of statewide and regional planning; and

"(P) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

"(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation where domestic violence is involved;

"(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

"(D) the use of training and technical assistance for family law judges and court personnel;

"(E) the presumption of custody to domestic violence victims;

"(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;

"(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

"(H) the implementation of supervised visitations that do not endanger victims and their children; and

"(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

"(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and

"(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).

"(b) ELIGIBILITY.—To be eligible for a grant under this section an entity shall be a statewide nonprofit State domestic violence coalition whose—

"(1) membership includes representatives from a majority of the programs for victims of domestic violence in the State;

"(2) board membership is representative of such programs; and

"(3) purpose is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

"(c) ALLOTMENT OF FUNDS.—From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to 1/53 of the amount appropriated for such fiscal year. For purposes of this section, the term 'combined U.S. Territories' means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

"(d) PROHIBITION ON LOBBYING.—No funds made available to entities under this section

shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

"(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

"(2) in connection with legislation or appropriations directly affecting the activities of the entity.

"(e) REPORTING.—Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each fiscal year to be used to award grants under this section.

"(g) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section.".

SEC. 318. REGULATIONS.

Section 312(a) (42 U.S.C. 10409(a)) is amended by adding at the end thereof the following new sentence:

"Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing such sections.".

SEC. 319. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION.

Section 313(1) (42 U.S.C. 10409(1)) is amended by striking out "characteristics relating to family violence" and inserting in lieu thereof "develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced".

SEC. 320. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Act is amended by adding at the end thereof the following new section:

"SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

"(a) IN GENERAL.—The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) APPLICATION.—No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) REQUIREMENTS.—An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) USE.—A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) CRITERIA.—The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.".

SEC. 321. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Act (as amended by section 320) is further amended by adding at the end thereof the following new section:

"SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

"(a) IN GENERAL.—The Secretary, in cooperation with the Attorney General, shall award grants to not less than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

"(1) increase the number of prosecutions for domestic violence crimes;

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that—

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either—

"(i) a 'no-drop' prosecution policy; or

"(ii) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

"(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section $25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(2) LIMITATION.—Funds shall be distributed under this section so that no State shall receive more than $2,500,000 in each fiscal year under this section.

"(3) DELEGATION AND TRANSFER.—The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.".

SEC. 322. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

(a) GENERAL PURPOSE.—For purposes of this section, the Secretary of Education, hereinafter referred to as the "Secretary" shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) NATURE OF PROGRAM.—The Secretary, in consultation with the Secretary of Health and Human Services, shall through grants or contracts develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher education. Such model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each such group or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) AUTHORIZATION.—There are authorized to be appropriated under this section for fiscal year 1992, $200,000 to carry out the purposes of this section.

TITLE IV—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION

SEC. 401. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5111) is amended to read as follows:

"SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

"(a) FINDINGS.—Congress finds that—

"(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nations's foster care population included more than 400,000 children at the end of June, 1990;

"(2) increasingly children entering foster care have complex problems which require intensive services;

"(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

"(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

"(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

"(6) the majority of such children are of school age, members of sibling groups or disabled;

"(7) currently one-half of children free for adoption and awaiting placement are minorities;

"(8) adoption may be the best alternative for assuring the healthy development of such children;

"(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and,

"(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

"(b) PURPOSE.—It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by—

"(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption;

"(C) maintain a National Resource Center for Special Needs Adoption to—

"(i) promote professional leadership development of minorities in the adoption field;

"(ii) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

"(iii) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and

"(D) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan.".

SEC. 402. MODEL ADOPTION LEGISLATION AND PROCEDURES.

Section 202 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5112) is repealed.

SEC. 403. INFORMATION AND SERVICE FUNCTIONS.

Section 203 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a)—

(A) by inserting ", on-site technical assistance" after "consultant services" in the second sentence;

(B) by inserting "including salaries and travel costs," after "administrative expenses," in the second sentence; and

(C) by adding at the end thereof the following new sentence: "The Secretary shall, not later than 12 months after the date of enactment of this sentence, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this title, and such reports shall be made available to the public."; and

(2) in subsection (b)—

(A) by striking out paragraph (1) and redesignating paragraph (2) as paragraph (1);

(B) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

"(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;";

(C) by striking out "and (B)" in paragraph (3) and inserting in lieu thereof "(B) the operation of a national resource center for special needs adoption; and (C)"; and

(D) by inserting ", and to promote professional leadership training of minorities in the adoption field" before the semicolon in paragraph (4).

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5115) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) There are authorized to be appropriated, $10,000,000 for each of the fiscal years 1992 through 1994, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(8) and 203(c)(1).."; and

(2) in subsection (b), by striking out "$3,000,000", the first place that such appears, and all that follows through the end thereof, and inserting in lieu thereof the following: "$10,000,000 for each of the fiscal years 1992 through 1994, to carry out section 203(b)(8), and there are authorized to be appropriated $10,000,000 for each of the fiscal years 1992 through 1994, to carry out section 203(c)(1).".

MOTION OFFERED BY MR. PASTOR

Mr. PASTOR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASTOR moves to strike all after the enacting clause of the Senate bill, S. 838, and to insert in lieu thereof the provisions of H.R. 4712, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4712) was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4712, CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION, AND FAMILY SERVICES ACT OF 1992

Mr. PASTOR. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4712, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the Senate bill, S. 838.

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

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on the motion on which further proceedings were postponed today.

HISTORIC SITES SELECTION REFORM ACT OF 1992

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4276.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4276, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 53, as follows:

[Roll No. 72]

YEAS—381

Abercrombie
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Hyde
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Luken
Machtley
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—53

Ackerman
Alexander
Berman
Bilirakis
Boxer
Condit
Costello
Dornan (CA)
Dymally
Edwards (OK)
Feighan
Flake
Foglietta
Franks (CT)
Hammerschmidt
Hayes (LA)
Herger
Hopkins
Huckaby
Hunter
Ireland
Jefferson
Lantos
Levine (CA)
Lowery (CA)
Lowey (NY)
Manton
Marlenee
McDade
McEwen
Mfume
Molinari
Mrazek
Murphy
Myers
Oakar
Patterson
Payne (NJ)
Peterson (FL)
Rangel
Schulze
Serrano
Shaw
Slaughter
Solarz
Stearns
Stump
Sundquist
Towns
Vander Jagt
Washington
Waters
Whitten

□ 1456

Mr. THOMAS of California changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTIFICATION OF IMPLEMENTATION OF SECTION 531 OF FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT OF 1991 RELATIVE TO SETTLEMENT OF EL SALVADOR CONFLICT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-284)

The SPEAKER pro tempore (Mr. RAY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

Section 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), provides that amounts in the Demobilization and Transition Fund established for peacekeeping purposes by that act shall be made available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the Farabundo Marti Liberation Front (FMLN) have reached a permanent settlement of the conflict, including a final agreement on a ceasefire. On January 16, 1992, the Government of El Salvador and the FMLN signed such an agreement, bringing an end to the civil conflict.

Consistent with section 531, I hereby provide notification that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a ceasefire.

This notification allows the amounts in the Demobilization and Transition Fund (Fund) to be made available for obligation and expenditure. The Secretary of State will have responsibility for administering the Fund.

It is extremely important for the United States to support the implementation of this historic peace agreement, and I look forward to your continued cooperation toward achieving our mutual objectives in this endeavor.

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

REPORT TO CONGRESS PURSUANT TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT REGARDING BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-285)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on October 3, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8,

1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $134 million of the approximately $137.3 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately $6.1 million remaining blocked at this time (which includes approximately $2.8 million in interest credited to the accounts since my last report), some $5.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

STATE DEPARTMENT ANNOUNCES INDEPENDENCE OF SLOVENIA, CROATIA, AND BOSNIA-HERZEGOVINA

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

Mr. OBERSTAR. Mr. Speaker, today the State Department announced the United States has officially recognized the independence of Slovenia, Croatia, and Bosnia-Herzegovina, an action which I heartily commend and which follows upon the earlier recognition by the European Economic Community in mid-January of the independence of Slovenia.

□ 1500

This is recognition long overdue, but certainly permitted by a country that has adopted democratic principles, has had free elections, and elected a president and parliament. And to my ancestors and relatives in Slovenia, I know this is a very, very great day and great occasion for them to have entered the family of nations with this action by the United States of America.

Slovenia has been the economic backbone of the former country of Yugoslavia, providing 40 percent of the nation's revenue and over 40 percent of its industry and GNP. They are now a full, freestanding member of the family of nations, and take their rank appropriately with this action by the United States of America.

INTRODUCTION OF LEGISLATION TO PROVIDE FOR A $5,000 FIRST-TIME HOME BUYER CREDIT

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

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation to provide for a $5,000 2-year tax credit for first-time home buyers.

It is a well known fact that real estate, particularly single family housing, often leads the economy out of recession. This proposal, which was included in President Bush's State of the Union economic challenge, would help the construction industry lead the Nation out of the recession.

My legislation would provide for a $5,000 nonrefundable tax credit for first-time home buyers for the purchase of a principal residence between February 1 and December 31, 1992. The tax credit would equal 10 percent of the purchase price, up to a maximum of $5,000. Half of the credit would be allowed on a taxpayer's return for 1992 and the remainder on the taxpayer's return for 1993. Any unused credit could be carried forward for up to 5 years.

My legislation is identical to the proposal proposed by the President and supported by the National Association of Homebuilders. It will enable hundreds of thousands of American families to purchase their first homes. I would ask my colleagues to support this vital legislation.

REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL TO CONFERENCE OF CONFERENCE REPORT TO ACCOMPANY S. 3, SENATE ELECTION ETHICS ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-484) on the resolution (H. Res. 420) providing for the recommittal to conference of the conference report to accompany the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 3090, FAMILY PLANNING AMENDMENTS OF 1991

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

Mr. MOAKLEY. Mr. Speaker, the Rules Committee may meet and grant a rule to H.R. 3090, the Family Planning Amendments of 1991, in the near future. A request may be made for a modified open rule, which would permit only those floor amendments designated in the rule.

On Monday, the committee circulated a "Dear Colleague" that requests all amendments to the bill be submitted to the Rules Committee no later than 5 p.m. Thursday, April 9, 1992.

In order to ensure Members' rights to offer amendments under the rule that may be requested, they should submit 55 copies of each amendment, together with a brief explanation of each amendment, to the committee office at H-312, the Capitol, by 5 p.m. on Thursday.

CONFERENCE REPORT ON H.R. 3337, WHITE HOUSE COMMEMORATIVE COINS

Mr. TORRES submitted the following conference report and statement on the bill (H.R. 3337), to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-485)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337), to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE V—JAMES MADISON COINS

SEC. 501. SHORT TITLE.

This title may be cited as the "James Madison—Bill of Rights Commemorative Coin Act".

SEC. 502. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this title referred to as the "Sec-

retary") shall mint and issue not more than 300,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of .850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the five dollar coins shall be emblematic of the first ten Amendments of the Constitution of the United States, known as the Bill of Rights. The Director of the United States Mint shall sponsor a nationwide open competition for the design of the five dollar coin beginning not later than 3 months after the date of the enactment of this Act. The Director of the United States Mint shall convene the Design Panel established under subsection (e) which shall select 10 designs to be submitted to the Secretary who shall select the final design.

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall mint and issue not more than 900,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.5 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The obverse design of the one dollar coins shall be emblematic of James Madison, the fourth President of the United States. The reverse design shall be emblematic of James Madison's home, Montpelier, between the years 1751 and 1836. The Director of the United States Mint shall sponsor a nationwide open competition for the design of the one dollar coin beginning not later than 3 months after the date of the enactment of this Act. The Director of the United States Mint shall convene the Design Panel established under subsection (e) which shall select 10 designs to be submitted to the Secretary who shall select the final design.

(c) HALF DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall mint and issue not more than 1,000,000 half dollar coins each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 30.61 millimeters; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the half dollar silver coins shall be emblematic of the first ten Amendments of the Constitution of the United States, known as the Bill of Rights. The Director of the United States Mint shall sponsor a nationwide open competition for the design of the half dollar coin beginning not later than 3 months after the date of the enactment of this Act. The Director of the United States Mint shall convene the Design Panel established under subsection (e) which shall select 10 designs to be submitted to the Secretary who shall select the final design.

(d) INSCRIPTIONS.—All coins minted and issued under this title shall bear a designation of the value of the coin, an inscription of the year of issue and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(e) DESIGN PANEL.—The Design Panel referred to in subsections (a), (b), and (c) shall consist of the following members:

(1) The Chairperson of the Commission of Fine Arts.

(2) The president of the James Madison Memorial Fellowship Foundation.

(3) The Executive Director, National Numismatic Collection, the Smithsonian Institution.

(4) A representative member of the American Numismatic Association.

(5) A representative member of a national sculpture society or association.

(6) Two representatives of the United States Mint selected by the Director of the United States Mint.

The Secretary shall reimburse the members of the Design Panel for per diem expenses and other official expenses from the revenues received from the sale of the coins. The Design Panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.), and shall terminate following the selection process set forth in subsections (a), (b), and (c).

(f) LEGAL TENDER.—The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 503. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 504. ISSUANCE OF COINS.

(a) FIVE DOLLAR COINS.—The five dollar coins minted under this title may be issued in uncirculated and proof qualities and shall be struck at the United States Mint at West Point, New York.

(b) ONE DOLLAR COINS AND HALF DOLLAR COINS.—The one dollar and half dollar coins minted under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) COMMENCEMENT OF ISSUANCE.—The coins authorized and minted under this title may be issued beginning on January 1, 1993.

(d) TERMINATION OF AUTHORITY.—Coins may not be minted under this title after December 31, 1993.

SEC. 505. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price at least equal to the face value, plus the cost of minting and issuing the coins (including labor, materials, overhead, distribution, and promotional expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of $30 per coin for the five dollar coins, $6 per coin for the one dollar coins, and $3 per coin for the half dollar coins.

SEC. 506. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

(c) REPORTS TO CONGRESS.—Not later than fifteen days after the last day of each month, the Secretary shall transmit to the committee on Banking, Finance, and Urban Affairs of the House of Representatives and the committee on Banking, Housing, and Urban Affairs of the Senate a report detailing activities carried out under this title during such month. The report shall include a review of all marketing activities and a financial statement which details sources of funds, surcharges generated, and expenses incurred for manufacturing, materials, overhead, packaging, marketing, and shipping. No report shall be required after January 15, 1994.

SEC. 507. DISTRIBUTION OF SURCHARGES.

The surcharges received by the Secretary shall be transmitted promptly to the James Madison Memorial Fellowship Trust Fund established in 1986 by the James Madison Memorial Fellowship Act (20 U.S.C. 4501 et seq.). Such transmitted amounts shall qualify under section 811(a)(2) of that Act as funds contributed from private sources. In accordance with the purposes of the James Madison Fellowship Program, the funds transmitted to the Trust Fund shall be used to encourage teaching and graduate study of the Constitution of the United States, its roots, its formation, its principles, and its development.

SEC. 508. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data as may be related to the expenditure of amounts transmitted under section 507 of this title. The expenditures and audit of surcharge funds deposited in the James Madison Memorial Fellowship Trust Fund under section 507 of this title shall be done in accordance with section 812 of the James Madison Memorial Fellowship Act (20 U.S.C. 4511). Annual reports shall be submitted by the Chairman of the James Madison Memorial Fellowship Foundation to both Houses of Congress on all expenditures of surcharge funds.

SEC. 509. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

On page 15, between lines 19 and 20 of the House engrossed bill, insert the following:

SEC. 400. SHORT TITLE.

This title may be cited as the "Frank Annunzio Act".

And the Senate agree to the same.

ESTEBAN E. TORRES,
CARROLL HUBBARD,
DOUG BARNARD, Jr.,
CHALMERS P. WYLIE,
AL MCCANDLESS,
Managers on the Part of the House.

DON RIEGLE,
ALFONSE D'AMATO,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) to mint White House Commemorative Coins, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report.

The Senate amendment added a provision to redesign the reverses of the Nation's circulating coinage and a provision to mint a James Madison/Bill of Rights Commemorative coin.

The Senate recedes from its amendment on coin redesign. The House agrees to title VI, the Madison/Bill of Rights coin provision, as

passed the Senate. The Senate agreed to the House amendment to title IV to rename the title "The Frank Annunzio Act".

The differences between the House bill and the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

H.R. 3337 was amended on the Senate floor to add title VI, The James Madison Bill of Rights Commemorative Coins Act, which was not included in the House-passed measure. The conference report contains the Senate provision.

Objective: The Senate bill contained a provision not included in the House bill that would authorize in 1993 the minting and issuance of $5 gold coins, $1 silver coins, and half-dollar silver coins to commemorate James Madison and the first 10 Amendments of the Constitution, known as the Bill of Rights.

This title authorizes the Secretary of the Treasury to mint and issue not more than 300,000 gold coins; 900,000 silver dollars; and 1,000,000 half dollars. These are the lowest mintage levels for a 3-coin commemorative program since the minting of commemorative coins was re-instated in the early 1980s.

Surcharges accrued from the sales of these coins will be transmitted to the James Madison Memorial Fellowship Trust Fund, established in 1986 by the James Madison Memorial Fellowship Act (20 U.S.C., 4501 et seq.). The Comptroller General of the United States shall have the right to examine such books and records related to the expenditure of these surcharges.

The surcharges will be used solely to fund fellowships for high-school teachers and potential high-school teachers of American history and American government. This is a national program and every state benefits equally.

This title also requires that the program operate at no net cost to the Government. It requires the chairman of the Fellowship Foundation to submit annual reports to both House of Congress on all expenditures of surcharge funds.

ESTEBAN E. TORRES,
CARROLL HUBBARD,
DOUG BARNARD, Jr.,
CHALMERS P. WYLIE,
AL MCCANDLESS,
Managers on the Part of the House.

DON RIEGLE,
ALFONSE D'AMATO,
Managers on the Part of the Senate.

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. KYL. Mr. Speaker, I ask unanimous consent that my 15-minute special order for today be vacated, and that I may be permitted to address the House for 5 minutes instead.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Arizona?

There was no objection.

RBRVS

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

Mr. KYL. Mr. Speaker, today is day 70 of the President's moratorium on Federal regulations. As we have done throughout this moratorium, the Republican regulatory relay team brings you today yet another example of a disastrous attempt by the Government to place a vise grip on one of the main arteries of the private sector: health care.

Remarkably, while Eastern Europe and the former Soviet Union are shedding rigid commend and control economies, the United States has embarked upon a central planning effort to set medical prices and redistribute income among medical professionals.

With one sweeping commend, Congress unilaterally changed the way in which physicians are reimbursed for their services under Medicare. Congress accomplished this task through the Omnibus Budget Reconciliation Act of 1989 [OBRA 89], which established a physician fee schedule that assigns relative values to services based on the time, skill, and intensity it takes physicians to provide them. The fee schedule is known as the resource-based relative value scale [RBRVS]. In November 1991, the Health Care Financing Administration [HCFA] released its final rule implementing the RBRVS, which went into effect on January 1, 19092. RBRVS is comparable worth for physicians.

Thanks to Congress and the efforts of HCFA, the following algebraic monstrosity is now the basis for paying physicians participating in the Medicare program. Here is the formula:

> Physician work relative value units for the service times geographic cost index value reflecting one fourth of the geographic variation in physician work applicable in the fee schedule area plus the product of practice expense relative value units for the service and geographic cost index value for the practice expense applicable in the geographical fee schedule area plus the product of malpractice relative value units for the service and geographic cost index value for malpractice expense applicable in the fee schedule area, all of which is to be multiplied by the uniform national conversion factor.

According to the National Journal, this "may be the most sweeping regulatory scheme since the government imposed wage and price controls in the early 1970's." As I predicted over 2 years ago, it has already become that most arbitrary, confusing, and, by far, the most dangerous regulatory expansion in the history of the Medicare Program.

Why is the RBRVS so dangerous? Robert Moffit, who received his Ph.D. from the University of Arizona and who is now the deputy director of domestic policy studies at the Heritage Foundation, notes the troubling fact that the RBRVS "does not even pretend to account for the 'quality' or 'benefit' of a medical procedure in calculating Medicare's payment to a doctor. To the contrary, . . . he states, "the value of a medical procedure to a patient has absolutely no role whatsoever in setting the new Medicare fee."

Moreover, much like the Marxist labor theory of value, the RBRVS does not take into account differences in skill among individual physicians. In this case, Congress understood no better than Karl Marx that the value of a service simply cannot be determined by the average time required to produce it.

Frank Sloan, professor of economics at Vanderbilt University, stated the problem another way:

> One would like to pay the talented hand surgeon a high price and the blundering hand surgeon a pittance. As a practical matter, a relative value scale cannot make this type of distinction.

As a result of the artificial reimbursement levels of the RBRVS, many physicians will have no choice but to: First, limit the number of Medicare patients they are able to treat or refuse entirely to treat any Medicare patients; second, postpone surgery and attempt to treat patients medically; third, search for ways to make up for lost revenue through surcharges on private-pay patients, which will further drive up health care costs; and/or fourth, decline to invest in innovative technologies and new lifesaving methods of treatment because of a justifiable fear that they will not be reimbursed for the new procedure.

Apart from the adverse impact such a burdensome scheme will have on physicians and their patients generally, the most devastating consequence of the RBRVS and other Government-imposed physician payment reforms will be their impact on the quality and quantity of health care for the 34 million elderly Americans on Medicare. The RBRVS most assuredly will restrict access to health care for senior citizens. Seniors may be forced to travel considerable distances in order to obtain care. Elective surgeries will be delayed, and some seniors may feel that they have no other option than to disenroll from Medicare—and forfeit all benefits—in order to contract freely with the physician of their choice.

In the publication Contingencies, Harvey Sobel concluded:

> [P]erhaps the saddest outcome will be the loss of future doctors—overall, and more particularly, in the geriatric specialties. The ability of physicians who treat the elderly to enjoy high incomes as a reward for their labor helps to attract the finest minds and talents to the medical profession * * * These doctors have been providing care despite the rules, regulations, taxes, and declining federal reimbursement. As the true story about physician payment reform spreads, the inevitable consequence will be a gravitation away from Medicare, away from the elderly, and away from medicine.

Mr. Speaker, with access to quality affordable health care as a primary concern of every American, Members of Congress owe it to the people of this

country to eradicate the RBRVS and other Government-imposed physician payment reforms which merely serve to restrict access to care, limit consumer choice, and drive up the cost of health care. Americans deserve better treatment.

□ 1510

SUNSHINE ON THE SOUTH BUILDING: REORGANIZING THE DEPARTMENT OF AGRICULTURE

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, they are still 7 months off, but the central lesson of this year's elections is already apparent. Americans are alienated and angry with a distant, ineffective, and seemingly unresponsive Federal Government. The message in the polls and the drumbeat from the ballot boxes are unmistakable: Business as usual is over, it is time for reinvigorating and, as a new book title says, reinventing government.

It is time, too, for those of us in agriculture to step up to the same challenge. The place to begin is with the bureaucracy, the overwhelming size and complexity of the Department of Agriculture itself. We must revamp USDA paperwork requirements, freeing farmers to be farmers, not form-filers. The job will not be finished until, from top to bottom and headquarters to county office, we have transformed a 19th century leviathan into a nimble structure able to meet the challenges of the 21st century.

Today, I am introducing legislation calling for such a transformation. It maps out a comprehensive reorganization plan for USDA, to streamline and make more efficient its county offices and cut its redtape. It will lead, I hope to a more efficient, more responsive bureaucracy and be, as well, the first step to making farm programs themselves simpler, more straightforward, and less complicated.

At the southwest corner of Washington's National Mall set USDA's headquarters, a giant complex straddling Independence Avenue. Its administration building is linked to the massive south building, which houses the offices, the officials, the mountains and mountains of paperwork. The south building is the nerve center of the vast network of USDA field offices flung across the country. The miles of halls and monotonous, endless rows of office door after office door symbolize how USDA's bureaucracy has permeated virtually every town and county in this country.

It is a metaphor for the farreaching bureaucracy has become and its imposing size, metaphor for the scope of the challenge this legislation undertakes.

Ninety-four percent of the counties in the country have one of USDA's alphabet-soup of agencies offices in them, although only 6 percent of the counties are defined as actual farming counties. Not only is it common to see an ASCS, SCS, or FmHA office in each county, it is common to see one of each in each county. In our own State, with 105 counties, ASCS has 104 county offices, 100 SCS county offices, and 38 FmHA county offices.

Today, USDA is the third largest civilian work force in the country. Five of its agencies have over 63,000 employees, at an annual cost of $2.4 billion. That is over $1,000 per farm in the country.

Consider what we could do with moneys saved from reorganizing USDA. I believe we could conservatively save anywhere from 10 to 20 percent of these overhead costs from the reorganization plan I am advocating, a savings of roughly $250 to $500 million per year. With those dollars, we could virtually double a wide range of USDA programs vital to American agriculture.

The $2.4 billion spent on field offices is more than the amount spent on research and education, more than the amount spent on Food for Peace, more than the amount spent on soil conservation programs, more than the amount spent on FmHA Farmer Programs, more than the amount spent on Rural Development Administration Programs, more than the amount spent on REA lending, and more than the amount spent on crop insurance.

This year, USDA expects to spend less on the wheat program than on its field office structure. Disaster payments will be less than one-half the amount spent on offices. Only the spending on the Feed Grains Program, spending on four different crops, will top the amount spent on USDA's field offices.

The web of USDA offices grows tighter and tighter, more and more complex at its headquarters, just like a spider's web at its heart. There are 9 under and assistant secretaries, 36 individual agencies, further divided into 9 different groups, and a whole range of other offices independent of any other structure which report directly to the secretary. The organizational chart of USDA's headquarters makes a Jackson Pollock painting look like blank canvas.

The doorways along the halls of the south building open not just to county offices scattered all over the country, they open, as farmers everywhere know all too well, on a bewildering array of forms, requirements, and regulations.

Picture this: Before planting, the typical farmer must make sure his plans comply with the edicts passed down from Government bureaucrats in the central Government. What the farmer produces will be based on Government production and marketing goals. The plans he submits for Government approval will determine what crops the farmer can plant, how much of the crop can be planted, and where the crop can be planted. When the crop is marketed, the Government will determine the price the farmer receives.

To make sure the farmer faithfully complies with the Government's plans for him, the bureaucracy employs a vast network of enforcement agents in virtually every village in the country. It is a network large enough to allow the government to check the farmer's compliance approximately 20 times each year. If he deviates from the plans, the farmer faces penalties and fines which can wipe out the entire earnings from the crop.

A description of agriculture on the collective farms of the former Soviet Union? No, a description of agriculture in modern America.

While we have seen the collapse and repudiation of government-controlled, centrally planned economies around the world, it remains the mainstay of the most productive sector of the American economy.

Officials from the old Communist government of the Soviet Union flocked to the United States, eager to learn how to establish a market based food economy. They wanted to learn how to convert from a state-controlled system to a market oriented production, processing, and distribution system. Yet, the American farmer continues to be bound to government dictates and planning. The typical American farmer often spends as much time in Government offices as on the tractor.

The productivity of American agriculture is being used to bolster the forces of liberalization in the Soviet Union and is the engine for one of the 20th century's most dramatic events. Yet, at home, it remains beholden to a command economy, a government determined, 5-year plan. It, more commonly known as the farm bill, is overseen and put into place by a bureaucracy that now numbers 1 Government employee for each 16 farmers.

The forces of liberalization are forcing revolutionary changes, everywhere, that is, except for on the American farm. While American agricultural experts rush to transform agriculture in the Commonwealth of Independent States and the Russian government moves to free farmers there from the most minute, detailed government dictates, the south building continues to churn them out.

The plan I am proposing and the bill I am introducing is simple, but will not, I know be a simple task to accomplish. Already I have been praised for advocating reorganization and streamlining and at the same time criticized for threatening the status quo, who as a wise man once said is just Latin for "the mess we are in."

I firmly believe we must seize the moment at hand. The call for bold action to make government do what it is supposed to do, to make government work better is growing louder every day. Those of us who turn a deaf ear to it, whether we be elected officials or citizens reliant on government, do so at our own peril. We can either lead and shape the change, or let it run us over. My bill will lead that change and lead the transformation of USDA into an agency known for farmer services and effectiveness, not its employee to farmer ratio, and not its number of offices, and not its number of forms.

My bill has seven main points: First, consolidation of all farmer programs into one USDA agency; second, consolidation of USDA field offices; third, reductions in the headquarters staff of USDA; fourth, paperwork reduction; fifth, reorganization of the county committee system; sixth, establishment of a new appeals system; and seventh, establishment of a goal to simplify farm programs.

The plan is meant to be implemented as a whole, over a 5-year period. In my view, reorganizing and consolidating field offices can not proceed unless, at the same time, we streamline and reduce the paperwork burden on farmers. The former makes the latter necessary and reducing the paperwork burden, needed in its own right, makes the consolidating of field offices easier. Both components are linked and should be implemented hand in hand. At the same time, as field offices are

consolidated and paperwork reduced, we need to move to streamline the headquarters office of USDA. Finally, Congress has a major role to play in making sure that future farm legislation is simpler, clearer, and not so cumbersome. All of these are pieces of one puzzle that make sense only when fitted one with the other.

The first step in my proposal is the consolidation of all farmer service programs into one USDA agency. Currently, they are spread across and between agencies. I propose creating a new entity, the Farm Services Administration. It would assume responsibility for commodity programs from ASCS, conservation programs from SCS, farmer lender programs from FmHA, and crop insurance.

In short, all the programs which provide direct benefits and programs to farmers will be folded into one new, one-stop entity. By starting at the top, we can rationalize and streamline the field office structure.

No. 2, over a 5-year period, the Secretary will be required to consolidate the existing county offices, the Secretary will be required to establish guidelines, subject to public comment, for the consolidation plan. Those guidelines will have to take into account such factors as the number of farms and farmers in each new proposed district, the size of the area, the crops grown in the area, whether farmers will be inconvenienced, whether the Secretary has reduced the paperwork burden on farmers, and the ability of the new office to serve efficiently farmers in its area.

According to the guidelines and in cases where the Secretary determines it in the best interests of farmers in the area to be served, he may permit offices to serve individual counties. In some cases I recognize that this may make the most sense; however, as a general rule, the bill will require the establishment of new district offices of more than one county. Finally, if the reorganization plan leads to lower personnel needs, the Secretary is directed to achieve those levels through attrition.

Three, as the Secretary reorganizes the USDA field office structures, the bill requires him to make commensurate reductions in the size of the headquarters staff, again, giving first priority to attrition. I think it is important to emphasize that field office and headquarters consolidation are part and parcel of the same goal, make the Department more efficient.

Four, the bill requires the Secretary to undertake a vast paperwork reduction and simplification program. The program will include the establishment of a centralized data system regarding services available to farmers and information needed to participate in the programs in order to duplicate paperwork requirements. In addition, the Secretary is directed to establish a system to allow farmers to enroll in all farmer programs with one, user friendly application that may be completed and filed electronically, by fax, mail, or other method to ease the burden on farmers.

Five, just as the bill folds together the programs and agencies of today's USDA into one agency, so too would it fold together the existing county and State committee system. However, they would be broader in scope, more comprehensive and serve as integrated bodies, just as the new Farm Services Administration would be a new integrated entity. In order to permit specialized expertise for certain programs as appropriate, the bill would allow the committees to form subcommittees focusing on specific programs, such as commodity programs, lending programs, or conservation programs.

Six, the bill would make the National Appeals Division, established in the 1990 farm bill, the entity for hearing all appeals from farmers for all programs. It will be a separate agency from the agency responsible for implementing programs to assure independence in hearing appeals. Again, this provision carries through the bill's theme of consolidation and, if you will, one-stop shopping for all farmer programs.

Seven, the bill lays out a goal for Congress in writing the new farm bill. It expresses the sense of the Congress that that legislation should be to reduce the complexity of the programs, to simplify their administration, and make it easier for farmers to comply with them. As I said, in the end, it has been Congress which has created the complexity of the current farm programs. They simply have not sprung up by themselves. It is, then, Congress which must share a good portion of the burden for the status quo—the mess we are in—and for fixing it.

Just as the actual task of reorganization will take time, so too will the job of fleshing out the details of my proposal, or any other, and building the political consensus necessary to get it through Congress. It is important, absolutely critical to restoring farmers' faith and confidence in government that we take on the challenge and begin it now.

In closing it is important that we be bold, for unless we are not, we are not likely to accomplish very much. Unless we take giant steps, we will not go far along the road of progress. I am reminded of the words of a famous architect who, though he lived and worked in a world of buildings and urban planning, said something which is equally applicable to this task: "Make no little plans; they have no magic to stir men's blood."

It is a new, revolutionary political climate in America. It is permeating everything we do and transforming the old ways of looking at Government. I ask my colleagues to support this legislation, to join with me in taking advantage of this climate, and, join me in making no little plans.

SUMMARY OF DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1992

The goal of the "Department of Agriculture Reorganization Act of 1992" is to make the Department of Agriculture, and farm services it administers, more efficient by reorganizing and consolidating USDA agencies and offices and streamlining the paperwork requirements on farmers. The legislation has seven main provisions:

CONSOLIDATION AND REORGANIZATION OF AGENCIES AND PROGRAMS

The bill requires the Secretary of Agriculture, within five years, to consolidate the programs and activities of the following Department of Agriculture agencies: Commodity and conservation programs of the Agricultural Stabilization and Conservation Service; conservation programs of the Soil Conservation Service; farm lending programs of the Farmers Home Administration; and Federal Crop Insurance Corporation, into one new entity, the Farm Services Administration.

Other programs and activities not directly related to farmer services are transferred to the Rural Development Administration, including: Watershed district programs of the Soil Conservation Service; real estate loan programs of the Farmers Home Administration; and the activities of the Rural Electrification Administration.

CONSOLIDATION AND REORGANIZATION OF USDA FIELD OFFICES

The bill requires the Secretary of Agriculture, within five years of enactment, to consolidate existing Department of Agriculture field offices into new multi-county district Farm Services Administration offices.

Before establishing the new district office system, the Secretary must issue guidelines for the consolidation. The guidelines, which must be published for public comment before implementation, are to include the following criteria: Number of farms and farmers in each administrative area; geographic size of each administrative area; amount and kind of crops grown in each administrative area; cost of operating the office compared to the benefits it administers; likely inconvenience to farmers of the size of the administrative area; ability of the office to service efficiently the administrative area; ability of farmers to utilize user-friendly application processes; and extent of the paperwork burden on farmers has been streamlined.

The guidelines must also delineate circumstances under which the Secretary may establish administrative areas of single counties.

ADJUSTMENT OF PERSONNEL LEVELS

The bill requires the Secretary of Agriculture to reduce headquarters office staff by an amount commensurate with reductions resulting from the consolidating of the field office structure of the Farm Services Administration. In both instances, personnel reductions are to be accomplished by attrition whenever possible.

PAPERWORK REDUCTIONS

The bill requires the Secretary of Agriculture to establish a centralized data system for information regarding services provided to farmers and information required for participation in farm programs.

The Secretary must examine all forms, applications, and other information requests and eliminate duplication to save time for farmers. The Secretary must also establish a system for allowing farmers to enroll in programs with one, user-friendly, application process that may be completed and filed with the Farm Services Administration electronically, by facsimile, by mail, or other means appropriate to ease the paperwork burden on farmers.

REORGANIZATION OF USDA COMMITTEE SYSTEM

The bill establishes a new system of farmer-elected committees. Each new administrative office will have just one comprehensive committee, responsible for all the programs administrated by the Farm Services Administration in that area.

INDEPENDENT APPEALS SYSTEM

The bill establishes the National Appeals Division as the entity responsible for adjudicating administrative appeals for all Farm Services Administration programs.

SIMPLIFYING FUTURE FARM PROGRAMS

The bill sets a goal for Congress to make simplification of programs a primary goal for future farm legislation.

SECTION-BY-SECTION EXPLANATION OF DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1992

SECTION 1. SHORT TITLE.

Section 1 provides for the bill to be cited as the "Department of Agriculture Reorganization Act of 1992".

SECTION 2. FINDINGS.

Section 2 sets out four congressional findings—

(1) that the Department of Agriculture workforce has grown to become the third largest civilian workforce in the country with offices in all but six percent of the nation's counties, the farm population represents less than three percent of the total population of the country and only sixteen percent of all counties in the country are farming counties;

(2) that the ratio of USDA employees to farms is more than double what it was thirty years ago and USDA maintains a field office system that costs over $1000 per farm per year to operate for a total of approximately $2.4 billion annually;

(3) that the growth in employees and offices is due in part to the increasing complexity of farm programs and is an ineffective use of federal resources; and

(4) that reorganization and streamlining of the Department is necessary to save federal resources and more efficiently serve the needs of farmers and rural America.

SECTION 3. ESTABLISHMENT OF THE FARM SERVICES ADMINISTRATION.

Section 3 establishes the Farm Services Administration with the Department of Agriculture, headed by an Administrator appointed by the Secretary of Agriculture.

The purpose of the Farm Services Administration is to provide a single agency to administer all programs and activities of the Department of Agriculture that serve farmers in order to ensure more effective, efficient, and economical administration of those programs and activities and to eliminate duplication.

During the five-year period beginning with enactment, the Secretary is required to consolidate into the Farm Services Administration the following agencies:

(1) Agricultural Stabilization and Conservation Service;

(2) Soil Conservation Service;

(3) Farmers Home Administration; and

(4) Federal Crop Insurance Corporation.

In addition, if the Secretary determines that a program or activity of any agency of the Department of Agriculture is not directly related to farmer services or would be more appropriate for administration by the Rural Development Administration, the Secretary may transfer administration of that program or activity to the Rural Development Administration, including—

(1) watershed district programs of the Soil Conservation Service;

(2) real estate loan programs of the Farmers Home Administration; and

(3) activities of the Rural Electrification Administration.

SECTION 4. CONSOLIDATION OF FIELD OFFICES OF THE DEPARTMENT OF AGRICULTURE.

Section 4 requires the Secretary of Agriculture, within five years of enactment, to establish offices in administrative districts consisting of more than one county in a State or parts of different counties of the Farm Services Administration to replace the county field offices for the agencies being consolidated into the Farm Services Administration. However, at the discretion of the Secretary and according to guidelines established under the section, such offices may encompass only one county under conditions which warrant. In establishing such districts, the Secretary shall consider the number of farmers to be served by each district in a State, the area to be covered by a district, and the cost of operating a district compared to the value of the benefits to be provided through the district office.

In the event the reorganization of offices required under this section result in lower personnel needs, the Secretary is required to give first priority to achieving those levels through attrition rather than other reductions in force.

Prior to the establishing field offices for the Farm Services Administration, the Secretary is required to publish guidelines, subject to public comment before final implementation, for the criteria to be used in determining the size of administrative areas to be covered by district offices. Such criteria are to include number of farms and farmers in each administrative area; geographic size of each administrative area; amount and kind of crops grown in each administrative area; likely inconvenience to farmers of the size of the administrative area; ability of the office to service efficiently the administrative area; ability of farmers in the administrative area to utilize user-friendly application processes for the programs administered by the office; and extent to which the Secretary has eased paperwork burdens on farmers to be served by the administrative area.

SECTION 5. REDUCTIONS IN THE HEADQUARTERS OFFICE OF THE DEPARTMENT OF AGRICULTURE

Section 5 requires the Secretary of Agriculture, during the five-year period beginning on the date of enactment, to reduce the number of employees in the headquarters office of the Department of Agriculture by an amount commensurate with the reductions in the Department's workforce as a result of the consolidation of field offices into the Farm Services Administration. In making such reductions, the Secretary is required to give first priority to achieving them through attrition rather than other reductions in force.

SECTION 6. PAPERWORK REDUCTION

Section 6 requires the Secretary of Agriculture to establish a centralized data system within the Farm Services Administration for information regarding services provided to farmers and information required of farmers for participation in the programs administered by the Farm Services Administration.

As part of the reorganization of the Department of Agriculture, the Secretary is required to examine all forms, applications, and other information requests required to be submitted by farmers for programs and activities the Farm Services Administration administers to eliminate duplication and save time for farmers.

Further, the Secretary is required to establish a system for allowing farmers to enroll in programs administered by the Farm Services Administration with one, user-friendly, application process that may be completed and filed with the Farm Services Administration electronically, by facsimile, by mail, or other means the Secretary determines appropriate to ease the paperwork burden on farmers.

SECTION 7. REORGANIZATION OF LOCAL AND COUNTY COMMITTEE SYSTEM

Section 7 requires the Administrator of the Farm Services Administration to use the services of district committees in implementing its programs. Each district established under the reorganization plan must have one district committee consisting of at least three members elected to three-year terms in a district-wide election to be held every third year. Only farmers within a district who are producers who participate or cooperate in programs administered within their district shall be eligible for nomination and election to the district committee for that district. Only farmers who are participating or cooperating producers within a district shall be eligible to vote in the election in that district. Each district committee is required to meet once each year and will receive compensation for such meeting by the Secretary of Agriculture.

A district committee may establish subcommittees with responsibility to act for the committee with respect to particular programs or activities of the Farm Services Administration.

District committees will replace any local committee or county committee previously established under the Soil Conservation and Domestic Allotment Act for an area served by the district committee within five-years of enactment.

SECTION 8. APPLICATION OF FARM PROGRAM APPEALS SYSTEM

Section 8 establishes the National Appeals Divisions established under section 1132 of the Food, Agriculture, Conservation, and Trade Act of 1990 as the entity to hear appeals from farmers for any program or activity administered by the Farm Services Administration.

SECTION 9. SENSE OF CONGRESS

Section 9 expresses the sense of Congress that one of the primary goals of future farm legislation should be to reduce the complexity of farm programs, to simplify the administration of and compliance with their requirements, and to ease the paperwork burdens on farmers.

CORO'S 50TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, Mr. ANDERSON, is recognized for 5 minutes.

Mr. ANDERSON. Mr. Speaker, I rise today in proud recognition of Coro's 50th anniversary. For those unfamiliar with this organization, Coro is a nonprofit, nonpartisan public affairs training institution established in 1942 to strengthen our country's democratic institutions and political system. To accomplish this goal, Coro has designed programs that expose students to various working organizations and groups, such as community organizations, political campaigns, the media, businesses, the courts, labor groups, and all levels of government, to give students a well-rounded education. Thus, when the Coro program is completed, students are prepared to be active participants in the community. This participation extends beyond government and reaches into our neighborhoods, cities, and States.

Although our country's democratic tradition is well grounded, the needs and challenges of our democratic institutions are constantly changing. Meeting these challenges requires our citizens to be participants in the democratic process. Coro has been meeting this need for the last 50 years. With the negative attitude surrounding politics today, Coro reminds us that leadership and participation are the key to a functioning democracy.

AN INTERVIEW WITH PAT CADDELL

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

Mr. DREIER of California. Mr. Speaker. I take the well this afternoon to, for just a few moments, once again touch on what I described here a few weeks ago as this rather tragic crisis of confidence that we have here in the House of Representatives, in the Congress overall and basically in Washington and really among all those who are in elective office.

We have heard from many people that the level of frustration is high. We have witnessed what is described as incumbency run amok. We have heard that we will most likely this year exceed the 118 new Members, which is apparently the record for the past Congresses, when the 103d Congress convenes in January of next year.

It is interesting to note that while the frustration level seems to be coming from many in the American electorate, I was rather struck with an interview which I read over the weekend in my hometown newspaper, the Los Angeles Times. And in it we heard from a very famous and prominent Democrat, who has been one of the key pollsters and strategists in five Presidential campaigns, beginning when he was 21 years old and worked for George McGovern's campaign in 1972.

He also was the architect of the basically come-from-nowhere campaign of Jimmy Carter in 1976, and he now has once again moved to the forefront as one of the leaders of Jerry Brown's Presidential campaign, my former Governor.

I am talking about Patrick Caddell, who made a decision in 1986 to leave this town, leave Washington. I think he described Washington as being on the verge of irrelevance, and he made a decision to go to the area which I represent, southern California. He actually lives in Brentwood.

This article that was in Sunday's Los Angeles Times, which I sent around to my Republican colleagues, actually casts an incredible indictment on the majority leadership of this Congress. Caddell has gone to a great deal of pain analyzing the problems that we have seen. He talks about, in this interview, the fact that we are faced with a major crisis of alienation.

It is interesting that in the Prayer Breakfast last Thursday, the chaplain of the Senate, Dr. Halverson, was talking about the problem of alienation and how great it is. The problem really is not the Congress, he was saying, it is alienation that the American people feel with their elected officials.

There is an alienation among family members and Caddell, interestingly enough, then went on in this piece and commented on the alienation problem which exists for those of us who hold elective office and are trying to represent the views of the electorate.

Caddell goes on in this piece to talk about the necessity to bring about this great revolution of restoration, the way he puts it. This revolution of restoration means we have the challenge of trying to restore America's greatness.

Rather than paraphrasing, I am going to directly quote some of the lines that clearly, this very, very partisan Democrat, Pat Caddell, leveled in Sunday's L.A. Times about the Democrat leadership.

He was asked the question: "There are mechanical things that can be done," are there not, in talking about the need for reform here in the Congress. "For instance, term limits. Does that make sense to you?"

"Yes, but it's such a minor thing. In a functioning democracy, I think term limits are wrong. But at the moment, I think you need a hatchet. I believe that America faces a crisis that only rivals the Civil War and the Revolution which bore it. It's not about term limits or campaign financing reform, it's about getting people in power."

He says, "Tom Foley, the Speaker of the House, is not going to reform himself."

When asked the question, "If the system is corrupt, can't one conclude that the political parties are corrupt as well?"

Caddell goes on to say, "Yes, and the Democratic corruption is much worse than the Republican corruption. I say that as a Democrat. My party is standing at the verge of following the Whigs into history, of disappearing overnight if they keep this up. The Republicans really do believe in what they say. When they say 'Help the rich,' these people act in obedience to their principles. When people in my party do it, they do so in absolute treason of their principles. I realize that my friends are more corrupt than my enemies."

Mr. Speaker, we do have a crisis of corruption in this House. I hope very much that as we look at our attempts to bring about reform, we can follow the words and advice of Patrick Caddell.

Mr. Speaker, I include for the RECORD a copy of the Los Angeles Times interview to which I referred.

[From the Los Angeles Times, Apr. 5, 1992]

Question: What's going on in the country? There's obviously a tremendous amount of frustration with politics and politicians. What do you sense is happening in the minds of the electorate?

Answer: Politics is disconnected from the country. We were already seeing signs of protest in 1990—David Duke, Dianne Feinstein, Clayton Williams [of Texas] and Bernie Sanders [of Vermont] were all supping out of the same pot. And it wasn't about ideology. For the last 25 years, the politicians in this country have presided over a decline, and it is impossible for them to acknowledge it. Because to change, to turn the country toward what has to be done, they would first have to tell the truth. And to do that would be to risk their own power, because, in a democracy, that means standing up and saying, "We have failed." And the track record of people who do that is not very good. So the Democratic Party lives a lie, the Washington Establishment lives a lie: "Nothing's really wrong, don't worry about the $400-million deficit, just elect us."

Q: This feeling of anti-incumbency has been building for a good while. Do you sense that it's finally coming to a head?

A: There are three things that have brought us to what I think is a firestorm. First, an alienated public. Alienation is something I've been dealing with politically since the beginning of my career. But this is the worst I've ever seen it. In the 1960s, when you asked, "Do your leaders do what's best for you and not for special interests?" people overwhelmingly agreed—60% or 70% of them. Now it's totally reversed. People today simply believe the political and economic system is stacked against them.

The second thing is a sense of decline. This are people saying that America is not No. 1 anymore. Americans will rage against that idea, because all America is built on the notion that things will get better. Moving across that psychological divide is a major thing.

Q: So are you saying that you accept the notion that things won't get better, that what we are, in fact, in decline?

A: Absolutely! Get somebody up here to argue with me that, as individuals and as a society, we are better off now than we were in 1968. You don't have to convince the American people of that—they now know it. Now the third thing, which I don't think anyone has articulated yet, is that what we pass on should be greater than what we got. We leave our children a better America, and more opportunity. You kill that idea and you will kill this country. And that's exactly what's happening! That's the overwhelming moral issue. When I look at the political leadership, the economic elite that has ripped off the country, the press that has been its propaganda mouthpiece, I tell you this: In their collective and individual pursuit of power, they have committed acts that are worse than treason. And that's what the American people feel now. That is the third great force that is at work here, and we have not even seen the full fury of that yet.

Q: Is it your role to offer a prescription?

A: No. I want to be like Toto in "The Wizard of Oz." I want to be the person who pulls back the curtain and shows them that there is no wizard, just an old man with a microphone. My job is to help people connect, and to see that they are not alone. I left politics, and I said I would never be in a venture where I couldn't speak with my own voice. I don't speak for Jerry Brown and he doesn't speak for me.

Q: Still, are there mechanical things that can be done? For instance, term limits. Does that make any sense to you?

A: Yes, But it's such a minor thing. In a functioning democracy, I think term limits are wrong. But at the moment, I think you need a hatchet. I believe that America faces a crisis that only rivals the Civil War and the Revolution which bore it. It's not about term limits or campaign-financing reform, it's about getting people in power. Tom Foley [the Speaker of the House] is not going to reform himself.

Q: Do you get rid of the legislature, do you get rid of the congressional staffs? Do you

recreate the bureaucracy, do you move the government to Lincoln, Neb.?

A: I don't know. First of all, nobody has a single answer. Maybe you should break up the government. You've got to cut the staffs down; they are out of control. But you don't have to totally change the system. There's nothing wrong with the Constitution. When I say this country needs a revolution, it needs a revolution of restoration. We must first get an agenda of consensus in this country—that the country is in crisis and that we are willing to come together to deal with it. It's not about arguing if we like this health-care plan or that one. It's about taking the big steps to save the country. That's what the issue is, a commitment to change, to the restoration of American greatness. It's that simple.

Q: If the system is corrupt, can't one conclude that the political parties are corrupt as well?

A: Yes, and the Democratic corruption is much worse than the Republican corruption. I say that as a Democrat. My party is standing at the verge of following the Whigs into history, of disappearing overnight if they keep this up. The Republicans really do believe in what they say. When they say "Help the rich," these people act in obedience to their principles. When people in my party do it, they do so in absolute treason of their principles. I've realized that my friends are more corrupt than my enemies.

Q: You hear the term "populist" a lot these days. What do you think about that term, what do you think it means?

A: Populist means nothing to me. What, populist—for the people? Our problems are much broader. We need new political language for the new reality.

Q: What's your relationship with Ross Perot? Do you meet with him, do you speak with him regularly?

A: I have had one meeting with Ross Perot, several months ago, and we talked and I encouraged him. Other than that I have nothing to say about my relationship with Ross Perot.

Q: Perot is apparently getting thousands of phone calls a day offering support. How come the public, which presumably knows next to nothing about Perot's politics, is seemingly so eager to get behind him?

A: I don't know if this is going to be real; he has a tough course ahead of him. But he is a genuine folk hero. When he goes on TV and talks, people listen. He's said he will only run if his supporters pave the way for him, if they do the work. Instead of selling out to the Democrats or the Republicans, he says to the people, "I'll sell you out to you." His message is the reverse of Jerry Brown's. Jerry's was, "If I build it, they will come." Perot's is, "If you build it, I will come." His politics are much more complex than they seemed in the beginning. The man is pro-choice, pro-gun control. He's very eclectic guy.

Q: Tell me about Jerry Brown. How deep do you think his appeal can be?

A: I don't know yet. He's still growing, and they're still responding. He has a transition to make from simply being the vehicle for discontent, to where people see him as an acceptable leader. You know, in all my life in politics, I am used to dealing with people who are basically finished men. Grown. One thing that struck me about Jerry Brown, in the last year or so, is that the guy is still growing. Can he pass the test of being a real leader in people's minds? If so, he has many advantages that Ross Perot will never have. He can speak with knowledge about the government. He's run it.

Q: How optimistic are you about Brown's chances of capturing the nomination?

A: Every day Jerry Brown is raising $80,000 to $100,000 on his 800 number. He has gone from being a joke to being able to raise $100,000 every day, from people contributing less than $100! Man, I want to tell you, it's out there, the people are ready. As far as I am concerned, the campaign is just beginning. What happens if Brown sweeps his way through the primaries? He's going to go to the convention and tell the delegates that he is running on a platform that indicts them as personally corrupt. That's going to be very tough for those folks to swallow.

This is going to be as exciting as 1968 was politically. We don't know now how it's going to shape up. But there are great forces there, and great moments of possibility.

I remember hearing the Washington insiders view of Jerry Brown: "Great message, wrong messenger." And I would bristle. If your problem is the messenger, if you agree with his analysis of the problems with the political system, then I must ask, "How come his is the only voice?" The answer is there is not another voice, because they are not allowed in. We have a self-perpetuating class of people who have designed the system to keep anyone who questions it on the outside. It's a system designed to take democracy away from the people. So when Jerry Brown raises the banner of taking back the country, they must kill this message. It's a message of death for all of them. It is Cromwell, "Out, you are not a Parliament."

Q: Jerry Brown is running a campaign that has similarities to the race you helped run for Jimmy Carter. Carter also ran as an outside and a reformer. Can you make a comparison between the two campaigns?

A: It's gotten much worse. With Carter, we were battling with muskets. Now it's thermonuclear war. In 1976, the [Democratic] party was still a good party. It had not become what it is today.

Q: If the system is indeed failing, can this leadership recharge the engine, get the growth back? Or do we just have to face the reality of decline?

A: This country cannot survive if the reality is that we continue to go downhill economically. That is not necessary. There's no reason for it. We can get that engine moving. Jerry Brown's idea about the flat tax is an idea about getting that machinery going. When he announced it, I didn't know anything about it. I nearly fell on the floor. But I've gotten much more enthusiastic the more I look at it. The principle of it is to get something that's fair. Even the New York Times said it's the first interesting idea this year.

Q: Do you have any prediction for Tuesday's primary in New York.

A: Yes I do, but I'm not going to share it with you, because I don't believe in jinxing myself. Right this very minute, as I talk to you, I think Jerry Brown—I don't even want to say this—but it could be a big moment. Let me say this. On Tuesday night, there is the possibility that American politics could be shaken to its foundations in a way that has not happened in our lifetime.

RISKY RESERVE RETREAT

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

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues an op-ed piece on the importance of our reserve components and the need to review the history books before we move too quickly to cut them. It was written by retired Col. Harry Summers, Jr., and appeared in the April 2 edition of the Washington Times.

[From the Washington Times, Apr. 2, 1992]

RISKY RESERVE RETREAT

(By Harry Summers, Jr.)

"Those who cannot remember the past," wrote the Spanish philosopher George Santayana in 1906, "are condemned to repeat it." It is an adage often quoted, and even more often ignored. With last week's announcement by Defense Secretary Dick Cheney of an initial 1992–93 cut of some 830 units and almost 140,000 men and women from America's military reserves—the Army and Air Force National Guard and the reserves of the Army, Navy, Air Force, and Marines—we may be on the verge of doing it yet again.

"The National Guard and Reserves are invaluable national assets," he said, "but we are cutting the size of the entire military force, both active duty and reserve." By 1997, another 100,000 will be cut from the reserves, reducing their overall size by some 25 percent almost the same percentage as the reductions under way in the active forces.

The National Guard and Reserves will play an absolutely vital part" in future strategy, Mr. Cheney emphasized, noting that the proportion of active duty forces (64 percent) to reserves (36 percent) "will remain the same." But these statistics mask an important shift in the philosophy undergirding the Total Force concept that grew out of the Vietnam War.

"We * * * need active forces when we are talking about combined arms forces * * * that go in harm's way with the greatest likelihood of sustaining casualties," Joint Chiefs of Staff Chairman Gen. Colin Powell said. "For that kind of proficiency * * * you need active units that are able to train at this day in and day out all year long."

While Gen. Powell's premise is arguably true when it comes to Army maneuver units (that is, front-line infantry, armor and cavalry units) it is dangerously similar to the arguments used at the height of the Cold War to justify neglecting the reserve forces in favor of a large active force. "If they can't get there in 90 days," ran the argument, "we don't need them."

"But what happens on the 91st day," asked Gen. John Vessey, who was passed over for promotion to his second star for asking such an embarrassing question. A former Minnesota National Guard first sergeant, who won a battlefield commission at the Anzio beachhead in World War II, Gen. Vessey wouldn't shut up. When his question was finally addressed, the reserve was found to be in such disarray that the only options open after 90 days were surrender or nuclear war.

Gen. Vessey (who rose to four stars and appointment as chairman of the Joint Chiefs) helped set in motion the mobilization machinery that paid off so handsomely in the Persian Gulf war when the reserve forces (as they had in every American war save Vietnam) literally made victory possible.

Reserve forces represented some 20 percent of U.S. military forces deployed to the Gulf, and Mr. Cheney acknowledged that they had performed "magnificently" in that war. But there is more to the reserves than their purely military capability, as then-Army Chief of Staff Gen. Creighton Abrams recognized when he established the "Total Army" concept in 1972, melding active and reserve components into a cohesive whole.

By incorporating reserve combat brigades into active-Army divisions, Gen. Abrams sought to eliminate the disastrous Vietnam War fallacy that wars could be fought "in cold blood" without paying the political price of national mobilization. It was precisely what many saw as the reserves' greatest weakness—their political sensitivity—that Gen. Abrams recognized as their greatest strength. Unlike the draft, which had degenerated into a national disgrace, the reserve forces, he believed, represented the true bridge between the active force and the American people.

The Persian Gulf war proved him exactly correct. As Gen. Crosbie E. Saint commented, "The early decision to call up the reserves turned out to be a major catalyst in consolidating American public opinion firmly behind our strategy in the Gulf. The size of the call-up meant that everyone had players from their state. The moral ascendancy that U.S. troops had when they knew their country was behind them cannot be discounted." "In war," Napoleon said, "the moral is to the material as three to one."

Cutting the size of the reserves to reflect post-Cold War realities is one thing. Cutting their role in providing for the common defense so as to avoid the perils and problems of mobilization is quite another. If we fail to remember that major lesson of the Vietnam War, we will surely once again reap the disastrous consequences.

THOUGHTS ON THE SCANDAL-RIDDEN HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I take this time in the well and before the House to express my opinions about what has been going on in this House or the lack of what has been going on in this House over the last few years, particularly during the scandal-ridden period of the last year or so.

□ 1520

I think it is important, at least I think it is important to me, and it is certainly important to the American people, to understand what has actually happened here and try to put it together and put some perspective on it.

The theme that I am attempting to bring to the House today is basically that, as has been said by the previous speaker from California and many other speakers that have come down to the floor of this House, that the Democrats have mismanaged this institution. Not only have they mismanaged the administration of this institution, but they have mismanaged policy as well.

I think it can be brought to bear by looking at what has happened in the bank scandal, the post office scandal, and other scandals, and try to relate that to what is happening on the floor of this House as far as passing legislation and doing what is right for the American people.

I was one of the few Members, one of only eight, that voted against the resolution to close the so-called House bank. Let me explain to not only my constituents but the American people why I voted against closing the House bank. I was outraged by the Democrat leadership's approach to this whole problem. I will get into the time line of how this all came about.

I thought that what was happening here was, No. 1, a lack of leadership in standing up for the institution itself, not standing up for abusers, not standing up for people that had misused the bank or had misused their privileges, or the leadership and staff that had mismanaged the bank, but I thought it was important for the Speaker of the House, particularly, to stand up and tell the American people what this was.

This was not a bank in the sense of what we think of as a bank. What it was, was a payroll system. It was a way of paying the Members of the House that was set up back in the early 1800's because it was difficult, because of separation of powers, to come up with a convenient, easy system to make payroll in the House, to make payroll.

Every company in this country has a payroll office. We have to have accountants and people that do the paperwork, do the accounting, make the debits and credits, and keep an honest accounting of what is going on. Even in banks one has to have a payroll office. That is what this House bank was. It was a payroll office that became a convenient cash disbursement service.

Over the years it became easy to bend the rules or expand the rules and allow Members to overdraft their accounts, because, indeed, this was a system of payroll where moneys were held, moneys that belonged to the Members of the House, the moneys that they were paid as payroll, in this account.

The way I understand it was set up was that the Congress would appropriate moneys that amounted to the total payroll of the Members of the House. That appropriation went to the U.S. Treasury, who made a deposit in a private bank in this town, who then credited the House bank, the payroll office, the amount of the total payroll.

The office here in the Capitol building then accredited to each Member's account the amount of the pay that that Member was to receive for that month. Every time the Member would write a check, the bank, the House bank, would then withdraw that money from the private bank here in Washington, DC.

Remember, this payroll service was a pot of money that belonged to the Members of the House of Representatives. I was very concerned that this was getting out of hand, that the American people were being told that everybody was a check kiter and a check bouncer and we were all crooks. Those that did have overdrafts in the bank were drawing moneys from other Members, because other Members' balances, deposit balances in other Members' accounts, went to cover these overdrafts. Maybe that was wrong. Maybe we should not have been doing that.

When it got out of hand, when Members would overdraft their account that was beyond the amount of their next monthly paycheck, that is when it started getting out of hand. Then Members got sloppy, and for whatever reason, abused the bank.

The point was when all this broke in the press our leadership did not investigate the situation immediately, stand up and look the American people in the eye, tell the American people, No. 1, what is this payroll service, and No. 2, "We are not going to allow abusers to continue this practice. We are not going to do something about it."

They did not do that. They thought if they passed a resolution immediately to close the bank down, then it would all be done and we would wash our hands of it. We could hide as many Members as possible that may have had overdrafts. We may have to throw some of the Members to the wolves, particularly the blatant abusers, and the rest of the Members would be protected.

That is exactly what happened. In fact, for months the Democrat leadership of this House tried to cover up or slow down the full disclosure of what was going on in relationship to the bank.

Mr. WALKER. Mr. Speaker, will the gentleman yield at that point?

Mr. DELAY. I am glad to yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think the gentleman from Texas [Mr. DELAY] is being generous in indicating it was for months. It was actually for years.

Mr. DELAY. It was for years. I stand corrected.

Mr. WALKER. Mr. Speaker, the first GAO reports on the bank go back to 1968, and at that time they were submitting secret reports to the Speaker. In those secret reports they were detailing Members of Congress who were in arrears in their House accounts. During that period of time it is clear that nothing was done about the bank, from 1968 until an interesting period in 1977.

In 1977 the decision was made to make the GAO reports public. Understand, this is the actual final report which, as a matter of practice, became a report that said little or nothing.

What they specifically decided to do in 1977 was to eliminate the names of Members who were not keeping their accounts straight in the House bank. Beginning in 1977, a coverup was specifically engaged in, because at that time the GAO reports were stripped of the names of Members who had previously appeared in reports. So as of

1977 there was evidently a decision made that, "We will begin covering this matter up, of the check kiting, as a matter of policy."

In fact, nothing then was known about these matters until the recent episodes when the GAO once again began to put this information in. It is not clear exactly why they decided to do that at this point. Evidently the situation had gotten so bad they could no longer tolerate it.

The fact is that there was a specific coverup engaged in for at least 15 years by the Democratic leadership to whom those reports were presented. Understand, these were not reports to the House as a whole. These were reports to the Democratic leadership, specifically to the Speaker. So we have a succession of Speakers, beginning in 1977, who engaged in an activity with the GAO which amounts to a coverup.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman giving us that little bit of history. I think it is very beneficial to the overall theme of this special order. That is that this has been going on, this lack of leadership, the mismanagement of the House, has been going on for many years. It just points up that when someone is in power for an inordinate amount of time, then this kind of oversight, this kind of corruption, if you will, continues and builds upon itself and sort of feeds on itself.

I would like to get in just very quickly to go back not as far as the gentleman from Pennsylvania [Mr. WALKER], although that is very useful, to show how long this has been going on, this particular time frame of this particular scandal.

The unacceptable condition of the House bank came to light on September 18, 1991, as we all know, when the GAO submitted its biannual report. A Roll Call reporter noticed a footnote entitled "Accounts receivables from Members," an interesting way to put it, which included the item "Checks held for insufficient funds."

The reporter inquired into the matter and it was revealed for the time period of the GAO report, December 31, 1989 to June 30, 1990, over 4,000 checks were written on insufficient funds by Members of Congress. With this revelation, the Democrat leadership coverup began. The first step Speaker FOLEY took was to declare that the House bank would no longer honor bad checks. Then he stated, "This is a matter that is now over."

According to the Washington Post article of October 1, 1991, "Check bouncing stories hound House Members, GOP freshmen are demanding disclosure." "In subsequent news conferences * * * [Speaker FOLEY] also made it clear that the list of transgressors and their sins would not be published, and Members' banking privileges would be no more and no less than those accorded to any citizen bank secrecy laws."

Speaker FOLEY was made aware of the significant problems of the House bank in a GAO report released previously on February 7, 1990.

□ 1530

Apparently reforms were instituted then, according to the Speaker. However, the abuses and shoddy recordkeeping continued with no followup accountability on the Speaker's part.

Mr. FOLEY told Ted Koppel on the March 28, 1992 "Nightline" broadcast that he directed the House bank to clean up its act in 1989. He may have issued new guidelines, but there was no followup for years to see if they were adhered to.

This point brings up a significant contradiction. If Mr. FOLEY, the Speaker, issued guidelines, why do some Members of the ethics committee report maintain that there was no statement of policy regarding the overdrafts? The gentleman from Kentucky [Mr. BUNNING] submitted into the CONGRESSIONAL RECORD on March 13, 1992, the specific guidelines for bad checks presented at the House bank. Furthermore, according to articles in both the Washington Times and the Washington Post, on March 24, 1992, it was documented that Mr. FOLEY was informed in December 1989 by the GAO that former House Sergeant at Arms Jack Russ has written bad personal checks at the House bank totaling over $100,000.

In the real world, this would bring on criminal indictment. In fact, former Democrat Sergeant at Arms Kenneth Romney was sentenced to 30 years in prison in 1947 for a $125,000 shortfall. And I might add that the Sergeant at Arms at that time was a Democrat Sergeant at Arms, and the reason he was caught was that in 1947 the Republicans took over this House for a very short period of time, and before they would take over the House payroll office, the House bank as it has become known, they wanted an audit before they would take it over. And in that audit Mr. Romney was caught and charged and was convicted and went to prison.

In the Democrat leadership scheme of things, the fox was keeping charge of the hen house, unless the fox is caught. Then he becomes the scapegoat.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. DELAY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, it is not an interesting parallel here to what happened in the post office the other day when the House Clerk was assigned by the Speaker, on a temporary basis, the assignment of running the House post office, and to his credit the House Clerk said, "Well, I'm not going to take over anything without an audit," and brought in a group of auditors to look at the practices in the House post office, only to find out that all of the reforms that we had been told were being instituted there were not in fact instituted, and that there were shortfalls in cash drawers and all kinds of problems in the House post office weeks after we had been assured that steps were being taken to clean things up there? So it is an interesting parallel with what happened in 1947, that once again, when the change of command insisted upon an audit, we find out things about one of these internal operations entirely different from what we have been told is the situation. And that was certainly the case in the House post office, and one has reason to wonder how much more there is that an audit would reveal in the House of Representatives.

Mr. DELAY. I totally agree with the gentleman and I appreciate him calling for the release of the GAO records, not so much GAO reports, because we know all too well how reports are done. Usually the reports come from a draft report that has been massaged, and that draft report comes from very real and revealing records that not necessarily end up in the report. The gentleman is very right in calling for full disclosure of all of the records pertaining to these two scandals.

But I think it is interesting that Mr. Jack Russ, the House Sergeant at Arms, after having gone from fox to scapegoat in this sad state of affairs, as the Democrat leadership had deemed him ultimately responsible for the scandal. This is absolutely wrong. The Sergeant at Arms is appointed only by the Democrat leadership, and they are ultimately responsible for keeping him as their top political patron for years. Even after knowing he abused his privileges consistently, he was kept on because we all know the ultimate responsibility for running this institution lies in the Democrat leadership.

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

Mr. DELAY. I am glad to yield to my friend, the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, let me just talk about that point for a moment, if I may. I have a copy of the manual of the House rules. A lot of folks when they think about the House, they think maybe Robert's Rules of Order will prevail, but let us be clear about one thing.

Every 2 years, prior to the convening of a new Congress, the House Democrats caucus separately and the House Republicans caucus separately. When they have their separate caucuses, they vote in their separate caucuses a set of Democrat House rules, and we vote in the Republican conference a set of Republican House rules. They vote a slate of officers, a Democrat slate of officers including the Speaker and the officers of the House. We put up a slate of Re-

publican officers. Then on the first day of the convening of the House we have two very important votes. One, the vote on which slate of officers will govern the body. The majority rules and the Democrats have always, with one only exception that I know of, to a person voted entirely for their slate of officers, their Speaker, and the Republicans to my knowledge, have never had a single Member vote for the Democrat slate. Since they have the majority, their officers, their Speaker is elected.

The second vote we have is on whose rules will prevail. Again, by virtue of their majority, they vote in their rules.

In this manual of rules there is one thing I would like to talk about very quickly. Under rule II, the election of officers, describing this process of how we elect the officers, it says Congress will choose a Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath to support the Constitution of the United States and for the true and faithful discharge of the duties of his office to the best of his knowledge and ability and to keep the secrets of the House; and each shall appoint all of the employees of his department provided for by law.

I would like to focus on this business of keeping the secrets of the House, and we do not have a lot of secrets in my house. One of the things that amazed me about this whole eruption of this House bank scandal is what I learned about this bank that I did not know until it was that somebody no longer kept the secrets of the House.

For example, I did not know that it was a longstanding tradition and convention that any Member of the House who had an account at the Sergeant at Arms may in fact choose not to do so. I had been told when I came here I must have this account, and I must receive my paycheck in this account. There was no other way to do it. Understanding the arcane ways of Government, that did not seem incredible to me. If there is a dumb way to do something, it occurs to me the Government will probably find and insist on that way. So I thought that that was an acceptable practice and I accepted that. I did not question it. I had been told the rules of the House require you to keep this account.

I now find out that the secret was that was not the case. I was also told that my wife could not be a cosigner on those accounts. It did not make sense to me, and I did not like it, but I was told it was a rule of the House by one of the officers of the House.

I went home, related that story to my wife, and she had a very difficult time accepting that, and gave me a little bit of a tongue lashing over that. In fact, we fought about that for several years. So when this scandal breaks and the secrets are out of the bag, the first thing my wife finds out is a Democrat Member says, "Well, I did not write those checks; my wife did."

□ 1540

Now, I explained then to my wife how it is his wife could write the checks but she could not. I said, "Honey, the only difference I can see between you and her is she was married to a Democrat. They are in the majority. They write the rules. They write the waivers of the rules. They grant the exceptions to the rules. I am in the minority, and since they are not my rules, I must obey them with no exceptions, no waivers."

I now find out later when the secrets are out of the House bag that this is not a bank after all. It is variously described as a payroll office, as a commune, and, as the story distills, I find out that very few Republicans, and I have not been able to find any Republican, that was officially notified by any officer of the House that these extraordinary and unusual and eyebrow-raising protections for overdraft were in place. We did not know that that was a secret.

Mr. DELAY. I did not know it.

Mr. ARMEY. I did not know it. I never heard that story until we got down here and the Democrats starting explaining why it is they had 400 overdrafts and so on down the line.

When the rules of the House, written by the Democrats, passed by the Democrats, clearly required the officers of the House, elected by the Democrats, to keep the secrets of the House, does that mean they must keep the secrets from the Members of the House that do not happen to be in the majority party? Because I feel very strongly, and in a most heartfelt way, a lot of anger over this, because much of what I had been told, for example, to my wife in good faith and honest fidelity to the vows we had to one another were the rules of the House that I must obey. It turned out to have, in fact, not been the case, but just a secret in the House that was shared by the majority and not with the minority. I am angry about that.

There is another question I would have about the secrets of the House.

PARLIAMENTARY INQUIRY

Mr. DELAY. Would the gentleman hold right there?

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. RAY). The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Speaker, I make an inquiry of what does it mean when it says in the rules of the House that the House must keep the secrets of the House, the officers must keep the secrets of the House?

The SPEAKER pro tempore. The Chair is not prepared to respond to that, and will be consulting with the gentleman.

Mr. ARMEY. If the gentleman will yield further on this point, I want to thank the Chair. The gentleman sitting in the chair, as we all know, is a good and true man, and we certainly do not want to, in any way, leave the impression that we might be indicting the gentleman who is in fact presiding.

Mr. DELAY. I appreciate the gentleman pointing that out.

Actually, through a parliamentary inquiry, we are asking in this setting a question of the Parliamentarian.

Mr. ARMEY. Which is an officer of the House, appointed by the Speaker, elected by the Democratic caucus.

Mr. DELAY. That is correct.

Mr. ARMEY. Not voted on, of course, or appointed by the Republicans.

Let me just make one last point about the question of all of these big important House secrets that are being kept.

Even as a Member of the House from whom the secrets are being kept, I cannot even avail myself of the Freedom of Information Act to compel the majority of the House to tell me what are those secrets they have that govern my affairs in the House that they will not share with me, because the House is exempted from the requirements of the Freedom of Information Act. So I have no way of knowing what are the secrets of the House by which the majority operate differently than the minority operate, even through those mechanisms that I might find out what the CIA is doing, and I am not even in the CIA.

Finally, let me just say because it is very distressing to me that this is their rules. They put this bank in effect, and they did it so that people could, in fact, as we now know they did, routinely and methodologically, systematically use this as a private, personal cash cow not available to anybody who is not in on the secret. That is what I would call clearly partisan graft.

Now that they are caught in such an embarrassing situation with their hand up to their elbow in the cookie jar, they want to have a bipartisan sharing of the shame and sharing of the blame. Well, I may have to live with the fact that sharing with the embarrassment is inevitable, but sharing in the shame is optional, and I, for one, elect instead to share in the anger of those good and true and honest disappointed constituents back home that also were left out of knowing the inside story of the secrets of the House.

I want to thank the gentleman.

Mr. DELAY. I really thank the gentleman from Texas for once again demonstrating his eloquence in driving a point home, and I would just want to make sure whether the Chair is ready to respond on my parliamentary inquiry.

The SPEAKER pro tempore. The Chair will take the parliamentary inquiry under advisement. That course of action may be especially appropriate where, as here, the inquiry does not relate in any practical sense to the pending proceedings of the House.

Recognition for the purpose of parliamentary inquiry is, in any event, a matter wholly in the discretion of the Chair. The Chair will, therefore, take the present inquiry under advisement and will be pleased to consult personally with the gentleman from Texas in the meantime.

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

Mr. DELAY. I am happy to yield to the gentleman from Pennsylvania. But before I yield to the gentleman from Pennsylvania, let me just say one thing about the presentation made by the gentleman from Texas which was so well done. He is expressing his outrage not only of the mismanagement of the bank, where deposits were credited days after they were actually put into the bank and those kinds of mismanagement problems, but he was also expressing outrage of malfeasance because what was happening here was a double standard, and I think Members on the other side of the aisle are also outraged at the lack of leadership that they got from their own leadership, because if the leadership then would have done what I suggested, and the whole reason I voted against the resolution, would have stood up for the institution and would have outlined what the payroll office was all about and how it operated, yes, we still would have been embarrassed with our overdrafts, but the American people would understand what it was all about.

I have constituents just as recently as last weekend thinking and talking to me and very upset with me thinking that not only were the overdrafts still going unpaid but the overdrafts were being covered by taxpayers' money. So they still have not, after all of these months, been able to articulate to the American people what this was all about, had some abusers doing it, and what were the rules, and not the rules, of how this was operated.

If I were a Democrat, I would be just as outraged at the mismanagement of this House as the Republicans obviously are.

Mr. WALKER. Will the gentleman yield?

Mr. DELAY. I am happy to yield to the gentleman from Pennsylvania.

PARLIAMENTARY INQUIRY

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, what I want to do is, I wanted to offer a parliamentary inquiry here of the Chair.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Do I understand the Chair correctly that the Chair is not prepared to rule at this time on what the phrase "secrets of the House" means?

The SPEAKER pro tempore. In reference to that question, the Chair says to the gentleman from Pennsylvania, the word "secrets" has appeared in the rule for a great number of years. The Chair will endeavor to try to find out for the gentleman what the word "secrets" means.

Mr. WALKER. Means in terms of what the officers are compelled to do by their oath of office? Is that correct?

The SPEAKER pro tempore. The Chair is just unprepared to respond to that question further at this time, but the Chair will endeavor to find out.

Mr. WALKER. I have a further parliamentary inquiry.

The Chair has said that it will take this under advisement. Can I assume that the Chair will also report to the House what the Chair's position is with regard to this matter, and could we get some idea as to when the Chair is going to report that information to the House?

□ 1550

The SPEAKER pro tempore (Mr. RAY). The Chair will take that under advisement as well.

Mr. WALKER. Well, a further parliamentary inquiry, Mr. Speaker. Do I understand that the Chair may or may not report this to the House?

The SPEAKER pro tempore. The Chair will consult the individuals involved, as previously stated.

Mr. WALKER. The Chair is going to report to the gentleman from Texas [Mr. DELAY] and to myself what the word "secrets" means as it pertains to the duties of the Officers within the House, is that correct?

The SPEAKER pro tempore. The current occupant of the chair will take the gentleman's question under advisement. The Chair will be pleased to consult with the gentleman.

Mr. WALKER. Well, I understand the gentleman occupying the chair may not be the one who ultimately reports this, but I am trying to ascertain what we can expect in terms of a report.

My parliamentary inquiry, since the Chair has indicated it will take it under advisement, can the gentlemen concerned expect a report from the Chair on this matter, and when would that report take place?

The SPEAKER pro tempore. The Chair will just have to consult with the Speaker on such matters as that and then consult with the gentleman.

Mr. ARMEY. Mr. Speaker, will the gentleman yield for a further parliamentary inquiry?

Mr. DELAY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ARMEY. As the Chair consults with the Speaker matter, and I understand the Chair must do that, but as the Chair does so, would the Chair also inquire as to whether or not once the Speaker determines which of the secrets of the House he will share with the Members, the extent to which we Members might be allowed to share those secrets with our wives? Because obviously one of the most painful things about this whole experience for me was that my wife was not in on the secrets.

Now, I can stand having secrets kept from me, but my wife is not real good at having secrets kept from her, and she gets pretty upset about it.

The SPEAKER pro tempore. The gentleman from Texas is welcome to proceed with his special order.

Mr. WALKER. Well, a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, I want to establish what it is we are concerned here. Is the term "secrets of the House" a standard parliamentary term? I am not just concerned about the word "secrets". I am concerned about the phrase "secrets of the House." Is that something which is in fact a standard phraseology which appears elsewhere in the rules and therefore has substantive meaning?

The SPEAKER pro tempore. Well, the Chair can only take the gentleman's inquiry under advisement. The word "secrets" does appear in the rule.

Mr. WALKER. Well, once again, the Chair has made that clear. I understand that the word "secrets" appears, but the phrase here is "secrets of the House."

Now, is that a phrase which appears consistently and does it have some particular meaning in terms of the duties of the Officers?

The SPEAKER pro tempore. Well, the Chair will have to take this under advisement and respond at a later date.

Mr. WALKER. Well, Mr. Speaker, I thank the Chair.

Mr. DELAY. Well, Mr. Speaker, I thank the Chair also.

Let me point out for those who made the watching, the parliamentary inquiries by the gentleman from Pennsylvania and this gentleman from Texas and the other gentleman from Texas, that the very distinguished gentleman sitting in the chair is not the Speaker of the House. Most parliamentary inquiries, again I repeat, are to the Parliamentarian through the Chair, so actually when we ask those questions, we are asking questions of the Parliamentarian.

Mr. Speaker, let me very quickly continue with my presentation of the mismanagement of the House.

I mentioned earlier there was a scandal found by the Republicans in 1947 when a Mr. Romney was caught $125,000 short after the Republicans had called for an audit, after they had taken over as the majority of this House. They were not going to take over the bank without an audit, and upon that audit

they found this discrepancy and sent Mr. Romney to prison.

Another House bank scandal occurred in 1890 when again the Republicans were taking control of the House and the Democrats had to give an account and were found wanting, this time to the tune of $75,000; $50,000 of this amount had been embezzled by an employee who ran off with a prostitute to Canada, never to be found again.

The Republican inquiry revealed malfeasance and nonfeasance. Members lost money because of the embezzlement and taxpayers lost money because Members had to take salary advances to replenish their accounts. Again the taxpayers made up the shortfall as the courts ruled the money was public.

Now, the House needs new management, and that is Republican management. In my opinion, it will not do any good to get rid of the present Speaker or the present leadership, because what will happen is more will come in and it is the arrogance of power that we are talking about here. What is going on here is arrogance of power. We need a change in management.

Many Democrats feel confidence in the present Speaker has evaporated. They may offer a new Speaker; however, that just is not the answer to the problem.

Mr. Wright resigned from the Speakership amid a scandal and the present Speaker was offered as the clean candidate.

The Democrats could offer us another candidate, but it just will not change the system. Only when the public and Republican pressure becomes so great does the Democrat leadership act.

We need new leadership which will act because it is right, not because they have been caught in coverups and scandals.

The Democrat leadership's latest strategy is to deflect the heat by adopting Republican proposals of perk cuts, no more free prescription drugs, higher gym dues, less parking privileges. Republican freshmen have been proposing these changes since the beginning of the 102d Congress.

The Democrats are also trying to deflect attention by criticizing perks in the executive branch—more coverup.

The Scripture says to first deal with the beam in your own eye before taking out the speck in your brother's.

As usual, the Democrats are missing the point. Cutting perks has a certain political appeal and maybe it is needed; however, while the public is requiring better stewardship of its tax dollars, Democrats cannot even practice decent oversight of a post office and a bank.

We need internal congressional reforms that insure fairness and streamline the House to do the Nation's business.

The Republican Party offers Americans an alternative to the Democrat privileged House by offering very real reform.

The House bank mess has become a metaphor for overall mismanagement of the system of this institution by the Democrats. If Congress could practice restraint in spending, stop taxing Americans into oblivion, make the streets safe and pass legislation that helps strengthen the family, then maybe the voters would have the Olympian detachment necessary to overlook the bank scandal; however, when they see their incomes decline from tax increases and recessionary policies and regulations, and when they cannot go to night school or find that extra job because their street is not safe at night, then they have every right to get angry about the gross mismanagement of the affairs of the people's House by the Democrats.

I just want to quickly, if I may, before I yield to the gentleman from California, go from the bank to the post office, and I think it is important to get into the RECORD our concept of the time line of the coverup of the post office, and it goes like this. In early spring of 1991, a postal clerk fled the District of Columbia with $10,000 in embezzled cash and money orders. The Capitol Police began an investigation. On May 29, 1991, Robert Rota, postmaster of the House post office, announced a surprise audit of the House post office on June 6, 1991. The Capitol Police requested Mr. Rota's cooperation in an investigation of the post office.

Later in June, 1991, Postmaster Rota, according to police documents obtained by the Washington Times, ordered House postal employees not to cooperate with the police investigation. Mr. Rota was acting on direct orders from Stephen R. Ross, the General Counsel for the House.

On June 11, 1991, the investigation of the House post office by the Capitol Police was halted by the House leadership, and was not resumed until July 9.

On June 19, 1991, Frank Kerrigan, chief of police of the Capitol Hill Police Force, meets with Stephen Ross to discuss the probe. Shortly thereafter, Chief Kerrigan takes early retirement. This is 6 months earlier than announced and is believed to be over a dispute with the leadership.

July 9, 1991, at the request of U.S. Attorney Jay Stephens, the Postal Inspection Service begins an investigation into the activities of the House post office.

August 19, 1991, Roll Call reports that the administrative assistant to the Speaker is blocking a police investigation of the House of Representatives.

□ 1600

The reasons given were constitutional grounds of separation of powers. Maybe it is that secret-keeping secrets of the House, as the gentleman from Texas was talking about.

The report is very vague as to the nature of the investigation and the Republican leadership is still not notified of any problem.

September 1991, the report by the postal inspector's office is complete and turned over to Robert Rota, the House postmaster. According to Rota, he personally handed the report to the AA, chief of staff to the Speaker, Heather Foley.

January 22, 1992, the Washington Times breaks the story that theft and cocaine selling is commonplace at the House postal facility. One clerk has admitted to selling $25 bags of cocaine at the facility. This is the first time many Democrats and Republicans learned of the problem. The Speaker says that the failure to alert the Republican leadership was due to informational glitches, probably more keeping of the secrets of the House.

On February 5, 1992, the House votes to give the Committee on House Administration the authority to investigate the House scandal. February 3, 1992, four postal employees are charged with stealing more than $35,000 between 1988 and 1991. March 5, 1992, which is a good year later, two postal employees plead guilty to embezzling $11,000.

One of those convicted is Edward Pogue III, the son of Barbara Pogue, administrative assistant to Representative GAYDOS.

March 5, 1992, a surprise audit of the post office finds cash shortages. This is an audit held after all this mess went on that the gentleman from Pennsylvania alluded to earlier. But this surprise audit of the post office finds cash shortages of $600 in one drawer and $218 in another.

A report by the Clerk of the House following the audit found that many of the changes recommended by the U.S. Postal Service last fall had not been followed. According to the report, "A major concern is that current management personnel do not seem to have the skills needed to adequately conduct the financial aspects of the daily postal operations."

What I am trying to say, Members, what is going on is that there is no followup even when there are problems that have been found, there is no followup to correct those problems. We blame the employees of the House. We fire them, thinking that that will take care of it. We go through an investigation of the post office. The investigation is on one minute, it is off another minute; you have resignation of the chief of police, the Capitol Hill police for unknown reasons, but it was very timely; you have obviously another audit that has found hundreds of checks that amount to over—I believe the amount was $75,000, hundreds of money orders in the post office with the safe door open, money orders sitting there that amounted to over $75,000.

It just goes on and on. And this was after, a year after we found improprieties and problems in the post office. And then in that audit, that surprise audit, the report by the Clerk of the House finding that personnel working for the post office did not have the skills in order to run the postal operations properly.

You know what that means? It means patronage. People were getting jobs from the Democrat House based upon who they knew, not the skills that they had. That is going on throughout this House, in all different positions, but particularly in sensitive areas like the post office. We are hiring, we were hiring, the House was hiring people who did not have the skills to perform the jobs they had. All they had was who they knew, that is all they had, who they knew is how they got their jobs.

Once again, what we are pointing out here is that we are outraged at the mismanagement of this House, and it is not just this last year. It has been going on for years. It is the arrogance of power, the lack of follow-through, the "oh, yes, we can push that over in the corner and not address it." But when the scandal comes out, then we throw all the doors open and we attack things going on around here that have direct relationship to doing our jobs. Some people call them perks. But the leadership throws them out, says we have been doing wrong for all these years and we are going to correct them, only in response to scandal, only in reaction to press reports, only in reaction to outrage expressed by the American people, only then are things changing.

But things have been wrong in this House for many, many years. And I think this year if you can read the polls at all, the American people do understand what is going on in this House, and I think they are going to take the opportunity to change the management of this House. I hope they will.

Mr. Speaker, I yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. I appreciate the gentleman yielding.

Mr. Speaker, I am sorry I was not here earlier to participate in the debate. I am very interested in the topic being discussed.

Mr. Speaker, Lord Acton was known to observe that, "Power tends to corrupt, absolute power corrupts absolutely."

For the past 38 years the House of Representatives of the United States has been under one party's solid control, that party is the Democratic Party.

Since 1955, every Speaker of the House has been a Democrat, every chairman of every committee in the House at all times has been a Democrat. And the accountability resides with the Democratic Party.

I would submit, Mr. Speaker, that scandals that have broken so far this year, whether it is the House bank, which we are in the midst of, whether it is the post office, which is still being investigated, many things I believe are yet to come to light; whether it is the unpaid restaurant tabs; these scandals are not isolated instances. They are symptomatic of the breakdown within this great House of Representatives, an institution created by the Constitution of the United States, which is great but which has fallen into serious disrepair.

I think the anger that we see on the part of the public relative to the House bank scandal and which we will see once they become aware of the facts when these other scandals are fully brought out into the open, is as much not just directed at the underlying facts pertaining to the scandals themselves—and this I say particularly with reference to the House bank. I think in some of the others, with the post office we are dealing with actual crimes that have been committed. But at least with reference to the House bank, I think it is the facts of that matter laid beside the terrible record that this Congress has in legislating for America. We have stood by and watched year after year after year as the family has been increasingly put upon by the Government. Today the level of taxation stands at an all-time high, in the history of this country, on the average American family.

Let me just recite a statistic that sticks in my mind and is one of the reasons I wanted to come to the House of Representatives to make a difference.

In 1948, the average family of four, with a median income, paid 2 percent of its total income to the United States Government in taxes of all kinds. Today, that same family of four, with a median income, pays 24 percent of its total income to the Federal Government in taxes of all kinds, a twelvefold increase.

Mr. Speaker, has the quality of life improved twelvefold in the United States since 1948?

In 1948, you could talk to people, I have talked to my mother, who was a young lady at that time in the city of Los Angeles, and she told me about how she would travel on the old "Red Car" across the city at night without a thought as to her public safety while en route.

I talked to a gentleman who was just out of the military in the city of New York, in Harlem, actually, in the 1940's. And he related to me that Harlem was a depressed area even in those days, but there was never a thought about one's safety. Traveling at night, going on the subway, I mean clearly when it comes to crime, the quality of life has not improved, it has gone precipitously downhill despite billions and billions of liberal Democrat social programs that we have overtaxed the American people to help pay for.

We have sown the wind, and we are reaping the whirlwind, as the Scriptures say. And the whirlwind consists of a generation engulfed in drug abuse, criminal activity, broken families, and general debauchery; and it is tragic.

□ 1610

Now that is not to say all the generation, or perhaps even a majority, but so many are either involved in it or are victims of it that it amounts to very, very large number.

Does the gentleman from Texas [Mr. ARMEY] wish to be yielded to?

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

Mr. DELAY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I appreciate, and I hear, the anger in the voice of the gentleman from California [Mr. DOOLITTLE]. I hear the anger in the voices of my constituents back home, and we all are hearing it.

The thing that I think I would like to see happen as a consequence of this bank scandal and this scandal with the post office is it is a scandal of self-indulgent mismanagement of what we all here like to call—and rightfully should call—the people's House. This is the people's House. But the mismanagement we are seeing is the fact that we have some people that have been here so long and so totally and absolutely in control with a concentration of power in their hands that they are acting as if they own the place. And they may talk about the people's House. But they do not treat it like the people's House.

And then we hear all this talk. I hear the President complained about for his lack of leadership causing the problems we have, but it is because we have a dual-divided Government.

The gentleman just talked about crime in the streets. President of the United States sent to this House over a year and half ago a very comprehensive crime bill. The House has not taken up the President's bill. They have taken up the issue of crime. They have brought a bill to the floor that is completely contrary to the President's bill. They have sent back, or tried to send back to the President, a bill that is totally opposite, in a different concept, a different vision, a different philosophy, than what the American people voted for President. And then of course, when in fact the President's legislation is not taken up by this Congress, and they turn out an aborted piece of legislation that is a mockery of his legislation, they then have the gall, the unmitigated gall, to say, "Well, our problem is we don't have leadership from the President."

The problem is they use a divided government, not to give checks and balances institutionally between the

legislative branch and the executive branch, which is what was intended, but to co-opt the right to participate in this process by the executive branch, and I will cite one more example.

In 1974, we passed what was known as the Budget Reform Act. Well, the full title is: The Budget Reform and Impoundment Control Act. The act was passed by Congress because the President at that time, President Nixon, had the audacity to meddle in congressional spending bills, to exercise his legitimate power of rescission and impoundment, and to take on a line-item basis things out that he thought were wasteful and unnecessary. Now the gentlemen on the Committee on Appropriations, as the gentleman knows, know that here in Congress a Member's word is his bond; that is insofar as he gives it to another Member, and all spending bills are a collection of deals between Members. "I'll put your pork in the bill and support it if you'll support my pork." The President is not in on all these pork deals. The President used to have the power to exercise the rescission, to exercise an impoundment, to use some judicious discretion to stop wasteful spending.

Mr. Speaker, Congress could not tolerate that. So, they passed this Budget Act.

Now what does the Budget Act require of the President? Requires that the President submit a budget recommendation to Congress, and it requires the Congress to produce a budget. They may or may not work from the President's budget. They have generally ignored or ridiculed his budget until it came time to put their budget together, in which case they took the assumptions of the President's budget, cobbled together a two-page document and then pass it. The President does not sign that budget, Congress does not remain bound by it because, as the gentleman knows, time, after time, after time Congress waives the Budget Act and they put in new spending limits.

So, what I am suggesting in the final analysis is the American people have to talk to the Democratic majority that runs this place with an iron fist and remind them that, when they talk in such glowing, pretentious terms about this being the people's House, that they ought to mean it. They ought to recognize it, and they ought to honor that rather than running this place as if they owned it. It should not be run as their own private little fiefdom.

And I want to say to my colleagues that this is something the public must understand. The Democrat majority has run this place during every moment's operation, in every facet of it, from the assigning of office space to every detail of it, and if they have disappointing corruption in this body, they can look at the Democrats. The fact is we are not even in on the secret most of the time on this side of the aisle. We want to know what is going to be next week's business, and we are told by the Democrats, "When we decide, we'll let you know," and then, when their fat gets in the fire, they want to talk about this being the people's House, and those of us that have the audacity to come down here and point out the painful truth they accuse of being disloyal to the institution.

Well, Mr. Speaker, the disloyalty to the institution is found in those who would corrupt the institution for their self-seeking purposes, and I thank the gentleman from Texas [Mr. DELAY] for having yielded to me.

Mr. DELAY. Very well done by the gentleman from Texas [Mr. ARMEY]. Once again he has so eloquently pointed out the whole point, that we are not here to bash other Members. What we are here to do is to point out to the American people, No. 1, as the gentleman has said, that the Democrats control this House, they control every aspect of this House. They let us in on it and throw us a few crumbs when it serves their purpose or it does not get in their way. But by and large they control every aspect of this House, and they are responsible for it, and we are saying that they are not protecting the institution because of their arrogance and mismanagement.

Does the gentleman from California [Mr. DOOLITTLE] want to say something else? We are running out of time.

Mr. DOOLITTLE. Mr. Speaker, I just want to observe because the Members here, and the guests in the gallery and the viewers may wonder: Why are half a dozen of us present discussing this? What happened? Are we not saying something important enough to have everybody here? And this to me is an example of the Democrat abuse of power, where the Speaker, a couple of speakers ago, caused the camera to pan the Chamber.

Now, for those of my colleagues who are not that familiar with what goes on here, I would observe, Mr. Speaker, that frequently during the regular business we do not have many more Members than what one sees right here, but the cameras at that point are ordered to focus only on the speakers so that one never sees this vast empty Chamber, they are never calling into question the words of the speakers because so few are present. And I guess I would say to my colleagues, "We ought to get serious about reform. We ought to require equal treatment for the special orders, but more importantly than that is why aren't we compelling Members to be on the floor to hear debate? Why don't we ban the committees from meeting while this House is in session? Why don't we act more like a deliberative, legislative body, like we're really supposed to be, focusing attention on the Nation's issues instead of ignoring crime, ignoring jobs and the economy, ignoring the civil rights of all Americans?"

Mr. Speaker, these are important things that we should be concentrating upon, and with that I thank the gentleman from Texas [Mr. DELAY] for the opportunity to express these views.

Mr. DELAY. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE]. I thank the other gentlemen that helped me in this special order.

Mr. Speaker, I do not think much more can be said during this special order. There will be more to come because we intend to point out the mismanagement of this House, and there are other areas that we think have been abused by the leadership of this House, the Democrat leadership of this House, and we are going to spend a lot of time pointing out, not only to other Members of this House, but to the American people, that we need a change in management of the House of Representatives.

□ 1620

LOAN GUARANTEES TO ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, it is my pleasure to yield initially to the gentleman from Maryland [Mr. HOYER]

IT'S TIME TO CLOSE CEDAR KNOLL

Mr. HOYER. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS] for yielding. I will not be participating in the particular subject of the special order of the gentleman, and do appreciate him giving me this time.

Today, Mr. Speaker, I am introducing, along with my colleague, Representative TOM MCMILLEN, legislation intended to remedy a longstanding situation that is no longer acceptable. I am introducing a bill to close the doors on the obsolete Cedar Knoll Youth Detention Facility operated by the District of Columbia near Laurel, MD, which is a continuing threat to that community.

If enacted, the bill will close the doors on the escape-riddled facility by the end of the year. There are six specific reasons why we have chosen to take this step today:

First, the facility, which the District Government agreed to close in 1986, is a continuing threat to the community;

Second, the history of the facility is that, once attention shifts, either because there is lull in the number of escapes, or the city faces a bigger crisis, this problem falls off the city's radar screen;

Third, the administration of the youth detention facilities is such that Cedar Knoll can too easily be buried deep in the bowels of the largest city bureaucracy, the Department of Human Services;

Fourth, the fact that other city agencies sometimes must be involved in efforts to resolve problems at Cedar Knoll, for example, public works for facilities repair, or personnel for hiring for vacant positions, creates bottlenecks and delays;

Fifth, the mayor and the administrators, if not today, then tomorrow, may face crises with respect to providing human services that loom larger for city residents than does Cedar Knoll, tucked out of sight in Laurel, MD; and

Last, the District, like any local jurisdiction, has many worthy but competing priorities chasing scarce resources; given the years of inattention to this problem, it is critically important that closing Cedar Knoll and finding appropriate placement for these youths remain at the top of the list until this situation is rectified.

The District of Columbia has operated Cedar Knoll, a youth detention facility in Laurel, MD, for 40 years. For the last 5 of those years, the District government has continued to operate, in violation of a court-ordered consent decree, this same institution.

For these last 5 years, the District has continuously placed in jeopardy the communities that surround this facility by failing to provide adequate personnel to safely supervise the juveniles detained at Cedar Knoll, and by failing to provide adequate resources to secure the physical facility.

In 1990, when I obtained funding to begin security enhancements for the facility, there were approximately 40 escapes over a 5-day period. Since February of this year, there have been 21 escapes.

The Washington Post asked a series of very pertinent questions in a recent editorial—What are we to make of the January escapee charged with armed rape. * * * The several other Cedar Knoll residents incarcerated on assault, drugs, and weapons charges. * * * The other 177 who have taken flight since 1990, or the 467 active cases of escapes from Cedar Knoll and the other youth detention facilities.

Mr. Speaker, I am outraged by the fact that as District officials admit: "* * * Cedar Knoll has experienced the same escape rate of 3 to 5 inmates monthly for the past 10 to 15 years."

I appreciate the honesty of that statement, and I also appreciate the mayor and her administrators' efforts to grapple with this problem, but that statement's point of view illustrates my concern—it is not Cedar Knoll which experiences escapes, it is the families, businesses, schools, and other members of the community that surround that facility that have had to endure these continuously recurring episodes.

A 16-year-old who violated the terms of his detention at Cedar Knoll surrendered to face charges in a shotgun slaying of a Maryland man last month.

It was a man who lost his life that evening at a Capitol Heights convenience store, not a "facility"; it was a mother's child and a wife's husband who lay dying beside the cash register, not several unfenced cottages.

Mr. Speaker, I want to make it clear that I believe that Mayor Sharon Pratt Kelly is as concerned as I am about the situation that exists at Cedar Knoll. She has taken steps to help bring this situation under control. I commend her for that and support her in her efforts. I appreciate the fact that this problem is not of her making, and believe that Mayor Kelly recognizes the problem.

Mr. Speaker, the only safe, acceptable solution for this intolerable situation, however, is to close this obsolete center, and I and Mr. MCMILLEN and my colleagues hopefully will do all that we can to make sure that happens.

Mr. Speaker, again I thank the gentleman from Utah [Mr. OWENS] for yielding me this time.

Mr. MCMILLEN of Maryland. Mr. Speaker, I am pleased to join my Maryland colleague, Representative STENY HOYER, in introducing legislation which would close the Cedar Knoll Detention Facility, located in my home of Anne Arundel County, MD, and operated by the District of Columbia.

The public safety situation at Cedar Knoll has become untenable. Reluctantly, in recent weeks, both Mr. HOYER and myself came to the conclusion that Federal legislation was necessary to permanently close this facility.

Mr. Speaker, Cedar Knoll is the result of one of those forgotten agreements between the Federal Government and the District of Columbia. The land was ceded to the DC government in the 1920's and has been used for many functions. It now is used primarily as a detention complex for juvenile offenders from the District of Columbia. The Complex is divided into two parts: Oak Hill and Cedar Knoll.

Both facilities have had a cloud of controversy hanging over them for the past decade. Under the 1986 court consent decree, the District of Columbia was ordered to close Cedar Knoll by December 1, 1987. Both youth detention facilities have been subject to multiple investigations by the General Accounting Office, the Federal Bureau of Investigation, and the courts.

In recent weeks, Cedar Knoll has been racked by a series of escapes. The latest one occurred last Friday when 11 youths escaped. This has been just the latest in a rash of escapes in the last few years. According to the Human Services Department, 319 youths were lost from January 1988 to January 1989. On any given day 30 percent of detention facility inmates are missing. Those missing range from juveniles convicted of homicide to lesser charges.

Mr. Speaker, while the District of Columbia has taken steps to attempt to deal with the situation, they have clearly been inadequate. The only solution is the one agreed to by the District of Columbia government in 1986—close Cedar Knoll.

I commend my colleague, Mr. HOYER, for introducing this legislation and will work with him to see its passage.

Mr. OWENS of Utah. Mr. Speaker, I, along with many of my colleagues, requested this special order to discuss an important issue, loan guarantees to Israel.

Mr. Speaker, nearly 20 years ago, I had the honor and privilege of voting for the Jackson-Vanik amendment. At the time, it was the pinnacle of congressional efforts to influence Soviet emigration policy. Over the years, there have been many who have derided this effort to condition trade benefits with certain emigration and other policies. But we could not, in good conscience, turn a blind eye to a policy that was immoral and repugnant. Simply put, Jackson-Vanik was the right thing to do.

In the last couple of years, our hopes, our efforts, our hard work, has all been rewarded. I have personally witnessed the scenes at Ben Gurion Airport, as the thousands of Soviet Jewish immigrants descended from planes. All this captures, simply and eloquently, Israel's raison d'etre.

But our responsibility is not over. Our commitment has not been fulfilled.

Some 400,000 Jewish immigrants have reached Israel in the past 2 years. Israel does not face a hypothetical absorption challenge, she faces a real genuine economic and social challenge. Another 1 million Soviet Jews hold immigration application forms.

Those who remain in the former Soviet Union face an uncertain future. If history is any guide, Soviet Jews are at risk. Political instability, a rise in ethnic violence, including yesterday's firebomb attack on a Moscow synagogue, are indicators that dangers do lie ahead. The point is that nobody really knows, and do we really want to take a chance—again?

Sadly, many Jews have remained in the former Soviet republics. They have delayed their departure because they have heard of the difficulties of life in Israel. Despite a generous diaspora Jewish community, Israel has been unable to raise the funds necessary to expand the infrastructure to meet the needs of this massive influx of immigrants.

So where does the U.S. come in? Not with extra grants or gifts, not with giveaways or taxpayer dollars. Nothing that would reduce domestic spending or loan guarantees in any way, shape or form. All Israel has requested is a loan guarantee package. Not even loans, just guarantees, the cosigning of a loan. Israel has even declared its intention to pay the soaring costs of these loans, meaning the cost to the taxpayer is zero.

The benefit to the taxpayer is enormous. Think about it. Israel borrows money and then uses much of it, most of it, to buy United States products. Israel repays the money, its loan repayment record is perfect, and it has successfully built the infrastructure of the country basically with goods made in the United States of America.

Last year alone, the export of U.S.-made modular housing has increased by $250 million. Due to the 400 million dollar housing guaranty released in 1991, over 70 percent of the housing units imported by Israel last year originated in the United States.

□ 1630

In addition to the loan guarantees being in America's own economic self-interest, the loan guarantees are consistent with U.S. values and traditions. The loan guarantees reflect America at its finest.

Two weeks ago, after months of negotiations, President Bush and Secretary Baker rejected any compromise to provide loan guarantees to assist Israel in the absorption of Soviet and Ethiopian refugees.

Sadly, it appears that this humanitarian aid will be delayed. The loan guarantee package was—wrongly, I believe—linked to political conditions.

Both for peace process and America's national security interests in the Middle East, the President's handling of the loan guarantee issue was wrong. Successful Israeli resettlement of the hundreds of thousands of Soviet and Ethiopian Jews would do much to enhance Israel's security and bolster the collective confidence of the Israeli people, all of which will enhance the chance for peace in the Middle East.

But President Bush and Secretary Baker have exhibited little imagination and creativity in this matter. Instead of looking for a compromise, the President turned the screws on Israel by insisting on conditions he knew Israel's Likud Government would never, could never, accept.

The President's mishandling of the loan guarantee issue cuts to the heart of Israel's existence as a homeland for all Jews, and erodes Israel's already ebbing confidence in its closest ally. By insisting on a settlement freeze as a condition of the loan guarantees, the United States was effectively extracting an Israeli concession outside the direct negotiations between Israel and the Arabs. Such linkage transforms the administration from honest broker to a negotiating agent for the Arabs. Like the Israeli settlements policy or not (and I do not), Still, linkage is unfair, ill-advised and counterproductive.

One year ago, the entire world saluted Israel's perseverance and self-restraint in the face of dozens of Iraqi scud attacks. One year ago we were thankful that the Israeli air force destroyed the Iraqi Osiraq nuclear facility, removing a threat that would have seriously impeded—if not altogether rendered impossible—efforts to dislodge Saddam Hussein.

It is a grave error to disregard our friends and allies who helped us win the cold war. Compared to our NATO and Asian security obligations, Israel was an inexpensive stumbling block to Soviet designs in the region. Israel should share in the spoils of this huge victory, not be cast aside like yesterday's news. The end of the United States-Soviet rivalry has not translated into peace on earth, anywhere, perhaps least of all for Israel.

What is truly disappointing is the insensitivity currently emanating from President Bush and Secretary Baker, especially after the effort it took to launch the unprecedented direct negotiations between the Arabs and Israel, for which I have been as commendatory as any Member of this House.

Bush, however, who refused to link Chinese trade benefits with its human rights, proliferation and slave labor practices, now conditions aid to Israel and employs age-old buzzwords to impugn supporters of Israel.

Israel's enemies are very real. Israel needs our help. America's job, its moral and strategic imperative, is to preserve the historically close relationship with Israel.

"Let my people go" has been a rallying cry for oppressed people since Moses led the children of Israel out of bondage in Egypt. As the Passover holiday approaches, we are reminded of our responsibilities to oppressed people. That responsibility does not end with freedom.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Utah for yielding to me.

Mr. Speaker, I am very pleased that we have been provided with this forum, and I thank the gentleman from Utah who called me on the telephone just the other day and suggested that we cooperate and do this special order. The issue of loan guarantees for Israeli housing or perhaps better said Soviet Jewish family housing in Israel, I believe, is one of the most misunderstood topics that this House has attempted to deal with since I have been here during the last 8 years.

We are being asked to guarantee, the word is "guarantee," not to loan, not to appropriate money to the foreign aid account to give to Israel. We are asked to guarantee or cosign a loan with the State of Israel to afford them the opportunity to borrow from someone else at a little bit less rate, at a little bit lower rate; loan guarantees, therefore, that cost us little or nothing; loan guarantees to our best ally and to our best friend in the Middle East.

They are loan guarantees to a friend who has never missed a loan payment ever.

There is confusion over this issue on many fronts. There is confusion in the American Jewish community. There is confusion in Israel. There is confusion in the Israeli government and there is confusion and misunderstanding in the general populace all across our country.

This, again, is not a loan. This is not foreign aid. This is a guarantee.

John Adams once said, "Facts are stubborn things." When you look at the facts, it is clear that American policy toward Israel and toward the international Jewish community as a whole has been very inconsistent.

Let us look at some of the facts. It is a fact that for years the United States has put political pressure on the former Soviet Union to let Jews emigrate from their Communist oppressors. Past administrations, Republican and Democrat alike, as well as the Congress have spent much time and effort encouraging Soviet leadership, encouraging them, asking them and, yes, sometimes threatening the Soviet leadership until their immigration policy was dramatically changed toward Jews.

We have a moral obligation today to these people. Jewish families are still leaving the Soviet Union in large numbers, and while the limit of immigrants to our country is quite limited, Jews are fleeing to Israel, their homeland, by the hundreds of thousands to escape anti-Semitism in former Soviet countries.

There is a way for us to help these people without it costing us a nickel and, yes, as the gentleman from Utah [Mr. OWENS] just a few minutes ago suggested, a way that will benefit our country as well. And that is with this program of loan guarantees.

Let us turn to another fact. During Operation Desert Storm, Saddam Hussein wanted to divide the coalition of forces in the Middle East and embroil the region in an Arab-Israeli conflict and, in so doing, he launched Scud missiles by the dozens. And they attacked Israel.

Israel showed an incredible amount of restraint by absorbing those attacks. This prevented Iraq from entangling the entire region in an Arab-Israel conflict, and that is exactly what Saddam Hussein wanted. And it was because of the Israelis that we were able to hold the coalition together. And it is also a fact that over the years Israel has supported U.S. policy in the Middle East and has helped us in many ways.

Israel has been our friend, a friend that destroyed Iraq's nuclear reactor in 1981. And I think we will all agree that the Persian Gulf War would have been a lot different if the madman had had atomic weapons at his disposal during Desert Shield and Desert Storm.

□ 1640

It is also a fact, at least according to the New York Times it is, that America made a loan of $500 million to Iraq as recently as 1989 and Iraq recently defaulted on that loan. The American taxpayer is left with the $500 million bill from what is today and has been for the last year and a half an enemy.

We find our position today a very unusual one in denying guarantees to a

long-time ally with perfectly good credit and a record of making all their loan payments, and finding ourselves with an enemy who owes us $500 million. As John Adams said so well, "Facts are stubborn." In the light of the facts, is it any wonder that the Jewish communities and friends of Israel and this country and all around the world are wondering what is going on with American policy?

The gentleman from Utah [Mr. OWENS] mentioned the subject of linkage. I remember so well standing at this very podium some months ago, maybe more than a year ago, I do not remember the exact time, but there was an appropriations bill at the time when the Soviet Jews started to stream into Israel. There was an appropriations bill, because we recognized the necessity of helping these people get settled, getting roofs over their heads, and getting them to work.

Another Member offered an amendment to that appropriations bill that linked the establishment of settlements in the West Bank with our passage of that bill. That amendment was defeated. I made the point then, and I make the point again, that we recognize Israel as a democracy, a freely elected form of government, a freely elected Knesset, which decides how to structure itself and how to elect a Prime Minister and other cabinet officers.

That is what we are working for all around the world. It exists in Israel, and we made the point during that debate that West Bank housing should not be linked, at least by us, to the subject of appropriations or guarantees, as in this case, to the subject of housing in the West Bank, because that is an Israeli decision, a democratically formed government, to make those decisions. We need to remember who our friends are. We need to remember who has been a stable force in an unstable region. We must remember our moral commitment to a friend. Loan guarantees are about a moral commitment, a humanitarian commitment, a commitment of honor. There is little opportunity, few opportunities like this one, like this opportunity to stick by an old friend.

I hope we see our way clear to carry this mission out. I hope we are able to, in short order, put this guarantee, not loan but guarantee program into effect so that we can get those people, Members on both sides of this aisle, as well as people in the administration and past Presidents, who have worked so hard to get the right to emigrate to a part of the world where they can live as they choose in a democracy and in peace.

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

Mr. OWENS of Utah. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise to express my unequivocal support for the loan guarantees to Israel, and commend the distinguished gentleman from Utah [Mr. OWENS], as well as the distinguished gentleman from New York [Mr. SAXTON] for arranging this special order.

The United States and Israel are poised at a historic moment. For over two decades, our Government made the freedom of Soviet Jewry a central tenet of our foreign policy toward the U.S.S.R. Now that we have succeeded in raising the Iron Curtain for emigration we are now missing the opportunity to assist and to encourage this historic, humanitarian effort—the successful absorption of these Jewish emigrees into Israel.

The anticipated emigration of 1 million Jews to Israel between 1990 and 1995 represents nothing less than the fulfillment of Israel's destiny as a homeland and safe-haven for Jews throughout the world. However, it is an economic challenge which Israel cannot meet on its own faced with such an awesome task, Israel needs credit guarantees that will help provide the infrastructure to make the successful absorption of these new immigrants possible.

We have a difficult task before us—convincing the administration that these loan guarantees are not tied to the successful culmination of the peace process. Attempting to link the fate of the humanitarian absorption credit guarantees to the political complexities of the peace process is the most vexing aspect of reaching an accommodation with the administration.

I believe and I know that many of my colleagues recognize that the greatest obstacle to peace is not any settlement activity—it is the lack of a sincere desire of Israel's neighbors to recognize Israel's right to exist within secure borders, it is the need to end the state of hostility that currently exists, and to rescind the administration's linkage of the settlement issue to the loan guarantees has placed undue pressure on Israel in the midst of sensitive negotiations with its Arab neighbors, the Arab boycott.

No successful peace has ever been imposed by any third party on billigerent parties. We must catalyze the process—just as we did in Camp David. By politicizing the humanitarian issue of loan guarantees, we could irrevocably damage the peace process. Imposition of such political linkage undermines attempts to produce mutually negotiated concessions in favor of forced unilateral nonnegotiated capitulation.

Many of our constituents properly inquire: Why should the United States approve these loan guarantees for Israel? First, in response, we must underscore that what we are considering are guarantees—loan guarantees—that will not cost our taxpayers any tax dollars—guarantees which are similar to cosigning a loan for a credit-worthy partner. And it is important to note that Israel has never defaulted on any of its past loans and it has even volunteered in this translation to pay for the "scoring" or set-aside money for such loan guarantees.

As our former United States Ambassador to Israel, William Brown, recently stated:

> * * * Granting Israel's request for loan guarantees will create hundreds of thousands of jobs for Americans, because much of the money will be spent in the United States for goods and services Israel needs to absorb Soviet and Ethiopian immigrants * * * when Israel was granted $400 million in housing loan guarantees two years ago, it all but rescued our U.S. housing industry.

The Israeli Minister of Economic Affairs has stated:

> While it may be difficult to project the exact impact of U.S. loan guarantees on Israel, it is reasonable to estimate that the net effect will be to stimulate an additional $10–15 billion in U.S. exports to Israel for the period 1992–1996. According to our forecast, Israel will purchase between $27–30 billion in the U.S. during the period 1992–1996. The U.S. Department of Commerce estimates that for every $1 billion in U.S. exports, an additional 20,000 jobs are created in the U.S. Thus, an additional $2 billion in exports per year to Israel will create an additional 40,000 jobs for U.S. workers.

Mr. Speaker, let us help to resolve the longstanding impasse which now exists on this critical loan guarantee issue. The guarantees are nothing short of sound policy for the United States. Accordingly, I urge our colleagues to support these loan guarantees when we find an appropriate legislative vehicle to revisit this issue.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I thank the gentleman from Utah for raising this issue today. It is a critical issue.

I wanted to join him to express my very strong personal support for the loan guarantees to the State of Israel. To me this issue is much simpler than it is often portrayed in the media. To me this is an issue of human rights. It is an issue of our obligation as a nation to help those people we have long sought to help, and by that I mean not only the Israelis, but especially those Jews who are emigrating finally from Russia and the other former republics of the Soviet Union.

□ 1650

For more than a generation, the expressed policy of this Nation has been to encourage such immigration, to liberate those peoples who have been oppressed for so long, and now they have their chance to leave. We know not how long that chance will endure. It seems to me that we must do all that we can as Americans to make it possible for them to find their new homeland. This is why we should support these loan guarantees.

As has been stated previously and eloquently and correctly, these are not

loans, these are guarantees. The taxpayers of this country will not be out one penny by virtue of this.

But Mr. Speaker, if we do not proceed with these loan guarantees, in my mind we will have lost something as a Nation. We will have lost our right to stand up and say that we stand firmly for human rights.

I strongly support loan guarantees to the State of Israel, and I urge my colleagues to join in urging the President of the United States to support them as well.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I thank my colleague for yielding and thank both him and the gentleman from New Jersey [Mr. SAXTON] for having this special order. It is time that we speak some sense to the American people, to our colleagues, to those in the administration on this issue. There has just been too much nonsense on this.

My colleague from New Jersey [Mr. SAXTON] has already spoken some sense about what the loan guarantees mean, that they are not $10 billion of aid, that they are not $10 billion of loans. I would like to go back a little bit in history as to how we got where we are today and why it is legitimate for us to ask our colleagues to support this as an undertaking of the United States.

Our foreign policy in the last years of the cold war was forthright, and courageous, and specific, and idealistic on one point. We stood up for religious freedom, and we said to the then Soviet government: "Let your people who seek religious freedom go. Let those Jews and Christians who want to worship freely, let them leave the Soviet Union." For decades we fought for that, and then in the late 1980's and early 1990's the miracle occurred. We succeeded. Our policy succeeded, and those people—Jews and Christians, seeking religious freedom, fleeing persecution and oppression—were allowed to leave the Soviet Union, and there were many of those people.

And this Nation, while we were ready to take some fleeing from the Soviet Union, we were not ready to take all, we were not ready to take a majority. We were not even ready to take a significant number. Israel said we will take those Jews and Christians fleeing the Soviet Union. We will give them opportunity, a new home. That is what Israel was created for.

When talking about hundreds of thousands or in this case it might ultimately be a million people from the Soviet Union arriving in Israel, maybe that does not sound like a lot. But remember, Israel is a small nation. To put it in perspective, it is as if everybody in the nation of France suddenly arrived in the United States. I think we can imagine the challenges, the problems that would cause.

Israel has been our friend and our ally for many years in the Middle East. My colleague, the gentleman from New Jersey [Mr. SAXTON] has stated and I will not repeat how Israel cooperated in the recent war in the Persian Gulf. But beyond that, for decades Israel has been a trusted friend, a friend that we could rely on, the democracy in the Middle East, and for years the only democracy in the Middle East.

It is utterly appropriate that we help our friend and ally to assist the Soviet refugees to whom we gave our specific pledge of freedom for decades. The President has wanted to place conditions on the loan guarantees. I believe it is inappropriate to apply political conditions to what is essentially humanitarian aid.

In the past we have given humanitarian aid to countries that were enemies, that were not friends of ours at all. We have gave aid when there was an earthquake in the then Communist Armenia. We did not place political conditions on the assistance. I am not going to take the time to list the scores of examples when we gave humanitarian aid without conditions, and we should not place political conditions on humanitarian aid now to a friendly nation, to Israel.

It is my hope we will bring to a vote in Congress the question of providing loan guarantees to Israel for the resettlement of the refugees from the former Soviet Union. And if we are to inform the American public of the rightness of loan guarantees, that is what we have to do, that is what we must do. We cannot, we should not run and hide on this issue. It is time for Congress to stand up and take action.

Again I thank my colleague for yielding.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHUMER], who is also a prime sponsor of this hour special order.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Utah for yielding and for his leadership on this, as well as that of the gentleman from New Jersey [Mr. SAXTON] and for allowing me to speak at this time.

Ladies and gentlemen, this issue of loan guarantees is really one of utmost importance to all those who care about human rights and what is good in the world, because what we have seen in the Soviet Union in the last year is something that is very strange. Many of us throughout America fought hard for human rights in the Soviet Union, and rights for Soviet Jews. And fortunately, glasnost and perestroika have brought those rights to many of the Jewish people there. Synagogues are opening, religious books can be published, kosher food can be purchased. Jewish groups can organize. This is all very good.

Unfortunately, glasnost and perestroika have been a two-edged sword though to the Jewish people in the Soviet Union, because the very same freedom that has been given to the Jews has been given to the antisemites as well. So there are organized groups, one named Pamyat, that are flourishing. Pamyat has only two qualifications for membership. One, to show that you were of Russian blood, and two, that you submit the names of four Jews in your neighborhood to be kept on a list for an undisclosed purpose. For the first time we are seeing Jewish children being beaten up on the way home from school, we are seeing Jewish teachers harassed, we are seeing Jewish homes burnt and people killed within by arson.

The crumbling infrastructure in the Soviet Union does little to protect these people, and it is no wonder that of the 1.6 million Soviet, Russian, Ukranian citizens who have "Jew" stamped on their identity card, because that is what is considered as their nationality in Russia, 1.2 million have applied for exit visas to go to Israel.

□ 1700

There is only one thing stopping them, and that is the inability of Israel, which has already on its own housed and provided jobs for 300,000, to do any more. That is why the loan guarantees are of such great importance.

It is not simply a political issue. It is not simply an economic issue. It is one of the great humanitarian issues of our time, and, you know, a little over 50 years ago off the coast of Cuba, and then off the coast of Florida was a boat, the St. Louis. On it were some 900 Jewish men, women, and children fleeing Germany. They asked simply for a place to alight, not for a handout, not for citizenship, just a place to be while the storms in Europe burnt. Much to the shame of this country, and I must say to the Jewish community in particular in this country, voices were not raised or certainly not raised loud enough. That boat was sent back to Europe. Most of its inhabitants were killed in the concentration camps.

Are we going to let this happen again? Is it impossible, my colleagues, that the same thing might emerge in a Russia or a Ukraine or a White Russia? Let us hope so. But it is not beyond the realm of possibility, and the kind of virulent anti-Semitism that, thank God, we have never seen in America is already rearing its head.

I would now ask that one consider that fact and then compare it to the issue of settlements. I disagree with the President on settlements. I do not think they are an impediment for peace, but let us say he does. All the parties had agreed that they should be talked about at the peace talks until the President and Secretary of State said, "No, we are linking them to the loan guarantees," putting Israel in a

political box. As a result, the loan guarantees are stalled. They are stymied.

For a moment, forget about the politics of the Middle East peace talks. Everyone wants peace, certainly the Israelis. In Israel far more than any other country every mother, father, brother, sister has a relative who was killed in wars, and that brings a desire for peace far stronger than any intellectual rationale. So everyone wants peace.

There are different views as to how to get there. But to hold the people in Russia back until there is some kind of agreement on the settlements dictated by this country, I would argue, is not only politically naive, it is substantively wrong and morally perilous.

So I say to my colleagues that this is not an issue of politics. This is a great issue of humanitarian longing and concern. It is a way to help put a blot on some of the horrible history that occurred between 1933 and 1945. It is a way to say that we have learned our lessons. It is a way to show that that Statue of Liberty which we all love shines brightly.

I would ask that the President and the Secretary reconsider.

The Leahy solution is one that I thought was too strict, and yet even now that has been rejected by the Secretary of State.

The loan guarantees are a humanitarian necessity. They should not be held up by politics.

Let us hope, let us pray that we do not come to regret the fact that this Congress this year failed to pass these loan guarantees and tens of thousands of innocent people's lives were made so much the worse.

I thank both of the gentlemen for their leadership; and thank the gentleman from Utah and the gentleman from New Jersey for their leadership.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, the major problem that I have had in dealing with loan guarantees for Israel is that people are confusing loan guarantees with foreign aid. Being a conservative, I watch our taxpayers dollars closer than most people. In fact, I will put my conservative credentials up against any Member of Congress.

I have been disturbed recently about Prime Minister Yitzhak Shamir's statements and the effect that they had on America and specifically my constituency. For this reason, loan guarantees for Israel have been the subject of my town hall meetings which I hold in Oklahoma. It has been my experience that the vast majority of Americans have been forming their opinions predicated on what they read in the newspapers and see on television. Once I explain to these mainstream Americans, they are supportive of loan guarantees.

Our $10 billion loan guarantee proposal is a small part of the total program in Israel. Some $20 and $30 billion will be raised locally in Israel and significant amounts from the United States Jewish community.

In the past Israel has had an excellent record and has never defaulted or had to be forgiven for any loan amount. That is precisely why the original Inouye/Kasten proposal did not contain a reserve fund amount. Even our own GAO report stated, February 12, 1992:

> Our analysis indicates that if the United States provides the $10 billion in loan guarantees requested by the Israeli government, Israel will likely be able to fully service its external debt, and to continue its past record of payment under most foreseeable circumstances.

Since 1949, Israel has borrowed $14.1 billion directly from the United States Government. These include economic foreign assistance loans worth $1.31 billion, OPIC investment support loans worth $1.5 million, military loans worth $4.43 billion, agricultural trade development loans worth $271 million, and Export/Import Bank loans worth $241 million. Israel is on schedule in all of these payments.

The United States has never had to pay any claims on Israel's loan guarantees. They include economic assistance guarantees worth $142.8 million, housing guarantees worth $548.7 million, Arms Export Control Act guarantees worth $4.83 billion, and Export/Import Bank guarantees worth $674.6 million.

It appears that the highest cost of the loans to the United States Government would be administrative fees that would be underwritten by the Israeli Government.

But of greater significance, I would like to briefly mention our relationships with various countries in the Middle East. There has been no country that can come close to the dependable and predictable relationship to the United States than Israel.

I had an experience in 1981 when I held the office of mayor of Tulsa, OK. I spent a week in Jordan representing President Ronald Reagan. When I came back to the United States, I was absolutely convinced that Jordan would always be our ally. But look what happened last year in the Middle East. They sided with the insane butcher Saddam Hussein.

Mr. Speaker, it is imperative to our Nation's security to assist those countries that we may well have to depend upon to be our allies in the future. The history of unrest in the Middle East is indelibly printed on the hearts of Americans and there should be no doubt in anyone's mind that we must help our friends succeed. This is one of the rare opportunities that we have to do it in a way that will not cost our taxpayers American dollars.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding. I very much appreciate my colleague, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Utah [Mr. OWENS] for sponsoring this special order.

□ 1710

Mr. Speaker, I strongly support the guarantee of loans for the State of Israel. The action is a natural followup to what is one of the great successes of American foreign policy and human rights policy of the last several decades. For 20 years or so, the United States has been pressing in every conceivable way to permit the free emigration of Soviet Jews, and now when it has succeeded to accomplish that objective, all that remains is to make it possible for those emigrants to have a job, to have a house, and to be a part of the Israeli economy.

The people who are emigrating into Israel have the capability of transforming that nation. They are some of the best minds and the best educated and most skilled people of the former Soviet Union, who I believe when integrated into the Israeli economy will be able to make that economy so strong and so self-sufficient that it will at long last be free of the obligation to rely on continuing annual assistance from the United States.

So I believe not only as has been said by the former speakers this is not an expenditure of U.S. funds, in fact I believe it will make unnecessary the future expenditure of U.S. funds in the form of continuing foreign assistance.

I had the opportunity a couple months ago to speak to one of the giants of our generation, Nathan Shcharansky, the famous refusnik who finally was allowed to emigrate from the Soviet Union and is a leader of the Russian Jewish community in the State of Israel. He said that within the last few months his friends back in Russia were much less sanguine, were much less optimistic about their future in a democratic Russia. They had begun to see a change, a very troubling change amongst their neighbors and amongst their governments that indicated to them that it was time for them to leave.

Anyone would be naive to disregard the history of Eastern Europe, of Central Europe, of the Moslem Republics of the former Soviet Union and to assume that somehow Jews in that region of the world, for the first time in the history of that region of the world, would somehow be safe from oppression and safe from violence. It is not so.

There is an opportunity for those people to be resettled. It is not an indefinite opportunity. We should take advantage of this window of opportunity to make possible something that will be of very little expense to our citizens, of immeasurable help to

hundreds of millions of citizens of the former Soviet Union and will realize the best in our tradition and make it possible for Israel to realize the best of its tradition.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHEUER].

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

Mr. Speaker, our President and the Secretary of State, Mr. Baker, are clearly obsessed—obsessed with Israeli settlement activity. Now, reasonable men can differ as to whether the settlement activity is an obstacle to peace, but no reasonable man could say that the settlement activities are the only obstacle to peace.

What about many aspects of Arab behavior that have gone on for 44 years? Are they not obstacles to peace? Are they not problems that the President could have addressed when giving them $12 billion in loan guarantees during the last 5 years with not a suggestion of a condition, not a suggestion that we would like them to change their behavior.

I don't remember seeing him jawbone the Arab leaders, telling them their continuing state of war—which has lasted for 44 years—is an obstacle to peace.

I don't recall hearing him call on the Arab States to stop feeding their populations the constant diet of anti-Israel poison and viciousness that emanates every day, every hour from their radio, television, and press.

I don't recall him linking any of the arms sales and foreign aid for Jordan, Egypt, Saudi Arabia, and any of the other Gulf States to ending the Arab boycott.

He didn't even get some agreement from the Arabs to support the United States attempt at the United Nations only a few months ago to repeal the infamous zionism equals racism resolution—not one of the Arab countries supported our vote for repeal.

No, instead, just last year, his administration provided $3 billion in unconditional loan guarantees to Arab countries—no strings attached. Over the past 5 years, it was more than $12 billion in loan guarantees.

During a 7-year period of the Reagan and Bush administrations, our Government guaranteed $5 billion in loans to Iraq alone, $5 billion of loans we guaranteed to Iraq, and what was the net result of this enlightened policy of our President who likes to think of himself as a foreign policy expert?

Not only was there a tremendously costly war that placed our sons and daughters at risk of death in a foreign land, not only a tremendously costly war that pushed our economy over the brink into a recession; no, it also cost the United States Government $360 million when Iraq defaulted on the loans. That is more than a third of a billion dollars of taxpayer money that we had to finance due to that absurd, unsound, and irrational loan guarantee.

And yet, the President and his Secretary of State fight against loan guarantees for Israel.

Do they know something that we don't? Can they really think that there is more risk involved in guaranteeing loans for Israel, our ally of 44 years that has never defaulted on a loan, than there was for Iraq, an expanionist power that, at the time, had the fourth largest army in the world?

□ 1720

Mr. Speaker, I want to emphasize the harmful result of this utter preoccupation of the President and the Secretary of State on the Israeli settlement policy to the exclusion of all of the other aberrational and harmful policies of the Arabs that are disturbing and reducing the policies—for the possibilities of peace in the region.

The President, by his obsession with punishing Israel and painting Israel as the only obstacle to peace in the Middle East, has in effect told the Arabs, "Look, we are not going to worry about your state terrorism, about the illegal economic boycott, about the ugliness spewing from your media. We are not going to worry about any of that, because Israel is the problem. We are, in effect, telling you that you don't have to negotiate during this peace process, you don't have to make any of the hard decisions involved in meeting the Israelis part way, you don't have to give up your dreams of Arab glory dating back to the era of Saladin. You can sit tight, dig your heels into the ground because we are going to deliver Israel to you hog-tied and powerless."

Now, Mr. Speaker, we know that is not going to happen, so it is destructive of the peace process for the President to adopt that posture.

Furthermore, President Bush's attitude toward the Israeli loan guarantees has placed unprecedented strain on the United States-Israel relationship.

His uncompromising stand on loan guarantees, the free flow of leaks from administration draft reports critical of Israel, and his general coolness toward Israeli leaders have combined to poison the warm climate of friendship and trust that has existed for so long between our two countries.

There is a historic exodus going on of Soviet Jews to Israel of Biblical proportions—a million or more will arrive over the course of a few years, 40 to 50 percent of them with graduate degrees in science, math, and engineering, people who will do wonders for the State of Israel.

We have supported the right of Soviet Jews to leave Russia for decades and every President in living memory has fought to pry open the gates to freedom. But we can never know when they will slam shut again.

There is terrible economic suffering in the former Soviet Union. At similar times in the past, Jews have always paid the price for hard times, becoming the scapegoat. We cannot, must not, and will not, allow our Government to make the same mistake it made before World War II again.

Yet our President all of a sudden develops an institutional memory lapse. He forgets about all that. He forgets that just last year, we urged, we begged Israel to sit on her hands and absorb unprovoked Iraqi Scud missile attacks on civilian population centers.

The request was made with the knowledge that Israeli security policy has always depended on the doctrine of retaliation: "You hit me, and I'll hit you back." It is the core of Israel's security.

And yet, the Israelis acceded to our request. They sat on the sidelines, their cities were hit, and their people were killed. They did not retaliate because they are our ally, our friend. And they were ready to sacrifice for America's sake.

How can our President now, just 1 year later, willfully forget what happened and turn his back on our ally in her time of need, and in the process destroy a solid relationship of shared national interests and values?

It is a disgrace, Mr. Speaker, and I am disgusted with our administration's policy.

Mr. LEVINE of California. Mr. Speaker, I commend my colleague, Mr. OWENS from Utah, for holding this special order on the Bush administration's absurd policy of refusing to grant humanitarian loan guarantees to Israel for the absorption of Soviet immigrants. The administration's actions are an outrage and must be reversed. It is in America's interest to prevent any further deterioration in our special relationship with this strategic and only democratic ally in the Middle East.

While the volatile environment in the former Soviet Union and the growing anti-Semitic tide threatens the very lives of hundreds of thousands of innocent Jewish refugees, the Bush administration is playing politics with humanitarian aid to assist Israel in absorbing these newcomers. Free and unfettered immigration has been a cornerstone of American policy since the State of Israel was created. This policy has now been put into question by this administration's immoral policy.

After appearing to negotiate a compromise which would allow the loan guarantees to go forward, the administration rejected the very compromise it had previously suggested it would support.

The compromise attempted to address the administration's concerns over Israeli settlement activity while allowing the guarantees—which are not grants or loans and would have minimal impact on the budget—to go forward to help Israel absorb the immigration of up to 1 million Soviet and Ethiopian Jews by mid-decade.

The administration's actions make clear that it was never really interested in negotiating a compromise and was instead interested only

in public posturing and playing politics with aid to Israel while carrying favor with the Arab nations of the Middle East.

The administration's actions threaten to prolong the suffering of 1 million refugees and erodes confidence in the United States-Israel relationship. It is shortsighted and counterproductive.

It is astounding that the Bush administration could approve millions in aid and loan guarantees to Saddam Hussein's Iraq before August 2, 1990, and even make $360.7 million in payments to private banks on the loans, while turning its back on Israel. By failing to distinguish friend and foe, the administration is walking a dangerous path.

Mrs. LOWEY of New York. Mr. Speaker, I rise to join my colleagues to reaffirm my strong commitment to loan guarantees to help Israel absorb hundreds of thousands of refugees fleeing fear and intimidation around the world.

President Bush has submitted to Congress a new request for a $12 billion increase in the United States quota to the International Monetary Fund, which in large part will be used to assist the former Soviet Republics. Because this quota backs up private loans, it functions just like a loan guarantee. The administration has taken the position that this quota increase to the IMF involves no budgetary exposure; however, although Israel has never defaulted on a loan, the administration has argued that loan guarantees for Israel do involve significant exposure to the Treasury.

How can we be sure that the former Soviet Republics, which have no past record of debt repayment to the IMF, will be able to repay? Economic instability is on the rise in the former Soviet Union, along with an increase in ethnic nationalism and racial intolerance. Given that, how can the administration claim that the former Soviet Republics are more creditworthy than Israel, a country with a long and flawless record of debt repayment?

Following along with this double standard, the administration has attached no political conditions to the package of aid to the former Soviet Republics. As the administration plan stands, the Soviet Republics will not be expected to take any specific political actions to benefit from this assistance. Some of the Republics have already displayed troubling behavior. Kazakhstan extended formal diplomatic relations to the Palestinian Liberation Organization [PLO]. Do we really want to bail out Republics whose first diplomatic decisions are to recognize terror groups like the PLO.

On the other hand, the administration has attached rigid conditions to Israel's request. The President will not sit down and compromise. He wants all construction in the disputed territories to cease immediately. And he is willing to use the lives of Soviet refugees to achieve that political objective.

I, for one, am going to have to think long and hard before approving an administration request for an increase in the IMF quota when that same administration blocks loan guarantees to a nation that has long been our most valuable ally in the Middle East.

The Israeli loan guarantees will actually provide jobs, housing, and safety to an estimated 1 million former Soviet citizens. If the administration really wants to help former citizens of the Soviet Union, they should add the Israeli request to the Soviet aid package.

Likewise, since most of Israel's aid from the United States is spent in our country, the loan guarantees would mean jobs and encouraging economic growth here in the United States.

Mr. Speaker, the lives of hundreds of thousands are hanging in the balance. Instability has long meant persecution for Jews in the Soviet Union and Eastern Europe. For years, we have been on their side, working to save as many as possible by arguing for full implementation of the Helsinki accords and open emigration policies. No one can say with any certainty what the former Soviet Union will look like in the near future. Who knows whether Jews will be able to emigrate a year from now? But we do know that we have an historic opportunity to ensure the safety of massive numbers of Jews in the Soviet Union and Eastern Europe by approving the loan guarantees. Now, more than ever, we must ensure that Israel is able to perform its vital mission of saving Jews fleeing oppression everywhere in the world.

I am not giving up on the loan guarantees because the stakes are too high. We have a moral imperative to continue to work for their approval. To minimize the importance of the guarantees at this crucial time would be to turn a blind eye to history and to encourage the unthinkable.

Mr. GREEN of New York. Mr. Speaker, I join my colleagues this evening in strong support of the loan guarantee request. I find it deeply regrettable that Congress has so far failed to act on the request by Israel to the United States for $10 billion in loan guarantees to assist that nation with the absorption of refugees from Eastern Europe, the former Soviet Union, and Ethiopia, and I am saddened and angered by the administration's posture on this matter.

The Israeli loan guarantee request was made on humanitarian grounds, and it should have been treated as such. Instead, last September, the President unwisely linked this humanitarian program with the issue of settlements and the Middle East peace talks. Those who subscribe to this view risk subjecting tens of thousands of Jewish refugees to further persecution and hardship. My question to the President and to my colleagues at this point in history is, have not the Soviet Jews suffered long enough?

The rescue of Soviet Jewry is a cause to which just about every Member of this House subscribed during the 1970's and 1980's. It is unfortunate, indeed tragic, that we are now turning away from the commitments that this Congress made when all of us passed the resolutions and signed the letters and did all the things that we did in order to bring to pass this happy day when Jews are able to emigrate more freely. For us to go back on that commitment, by failing to act as we are now doing, is a sorry day indeed for Congress and for the President.

Over the past 2 years, Israel has absorbed more than 400,000 immigrants. Clearly, that nation alone cannot shoulder the costs of such a massive population influx. Through the loan guarantee program, Israel is not seeking direct aid, but rather, a cost-effective way to meet the immense challenge of providing for the refugees.

My Appropriations Subcommittee on Foreign Operations recently held a hearing to assess what costs, if any, might face the U.S. taxpayer if the loan guarantees were approved. The economic witnesses at that hearing, while disagreeing on some aspects of the guarantee request, were unanimous in agreeing that Israel's ability to pay back the loans was not in question.

A recent GAO report concluded that "the U.S. Government should expect that the guaranteed loans will ultimately be repaid at no cost to it." The GAO also said, "We believe that if the Congress authorizes the $10 billion in loan guarantees, the Israeli Government will likely be able to fully service its external debt and to continue its past record of repayment."

So it is not an issue of costs.

As to the question of settlements that the President raises, history has proven that the presence or absence of settlements does not affect Israel's commitment to making peace with her Arab neighbors. Under the Camp David accords, Israel gave up not only settlements, but also vast oil reserves and strategic air bases. Conversely, the absence of Jewish settlements before 1967 did not bring Israel's Arab neighbors to end their state of war with Israel.

The collapse of the Soviet Empire has not meant an end to the threats that have historically faced the Jewish community there. Last December, in the closing days of the Soviet Union, I traveled to Moscow to attend a conference. Both in public meetings and in private conversations, again and again I was warned of the dire prospects for ethnic strife. I was also told by leaders of the Moscow Jewish community that while official anti-Semitism is decreasing, who can know what the future will bring for Soviet Jews?

It is feared that former Communist Party officials, in order to establish a new political base, are using their control of radio, TV, and the press to stir up ethnic strife. The analogy to Yugoslavia was frequently cited. The uprise in ethnic feelings occurring throughout the Republics, and Muslim fundamentalism in the Islamic areas, could turn against the Jewish community. There has already been some anti-Semitism unleashed, notably by the Pamyat Russian nationalist movement. Who amongst my colleagues can speak with assurance about the safety of the Jewish community throughout the Republics?

As a trusted friend and ally of the United States, Israel has gone the extra mile to help the United States achieve our objectives in the Middle East. When asked by the United States to assume a low profile after Saddam Hussein invaded Kuwait, Israel complied. When asked by the United States not to launch a preemptive strike against Iraq, Israel assented. And then, throughout the Persian Gulf war, when attacked night after night by Scud missiles, and asked by the United States not to retaliate or respond, Israel consented, despite the violation this meant to longstanding Israeli defense policy.

Then, last March, with the war over and refugees continuing to flow by the thousands to Israel, the United States requested that the Israelis delay their loan guarantee request until September. Israel complied. But when September came, they were told to wait still longer.

Today, fully a year after the war's end, the Soviet Jews are still waiting.

We in Congress and the administration must honor the promise of freedom we have long held out to Jews across the world. If they are free during this moment in history, it is in great part because we have championed their freedom.

The religious and cultural Iron Curtain that Jews have lived behind for decades has been lifted. Our hard work has at last borne fruit. I simply cannot understand why we are walking away now.

Our reliable and longstanding ally Israel has asked us for help. I hope one day soon we shall answer with something other than a rebuff and a cynical rejection of our own values.

In closing, I encourage all of my colleagues to rethink the Israeli proposal, and to assess the human risks involved if we continue to delay action on this humanitarian request.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank my colleagues, WAYNE OWENS, CHARLES SCHUMER, and JIM SAXTON, for reserving time today to address a major foreign policy issue.

Last fall, Israel requested $10 billion in loan guarantees so that they could continue to build housing to resettle the thousands of Soviet refugees seeking a new life in Israel.

Because of the impending peace talks, the President requested that Congress defer action on this request until after the first of the year. Congress complied, passing a short-term continuing resolution which would run until March 31, 1992. The administration pledged to seek no additional delays after the new year.

In January of this year, the President changed his mind. He refused to consider approval of the loan guarantees unless they were tied to a halt in construction in the disputed territories. With time running out on the funding bill and the administration's intractable position, the loan guarantees were sacrificed. There is little or no chance that the loan guarantees could be approved during the remainder of the current fiscal year.

Mr. Speaker, the administration's increasingly hard line against Israel is most disconcerting. Israel and the United States have shared a unique alliance for many years. We have worked for common goals and shared security interests. For years, many of us have participated in the Soviet Call to Conscience to press for open emigration policies on behalf of Soviet Jews. Now, the gates have been opened and Soviet Jews have been permitted to leave on request. Israel has been welcoming these people, as well as rescuing the Ethiopian Jews, and resettling tens of thousands of emigres. They have not sought assistance from the United States other than to cosign the loans which they would contract in order to build the facilities necessary to absorb the new citizens.

That the United States is now hindering these efforts, goes against our record of humanitarian assistance to other nations. The United States seems to be holding Israel to a different standard than we set for other United States aid recipients. I regret that the administration has taken this more strident position because I believe that Israel continues to be a secure ally in an unstable environment.

Mr. RINALDO. Mr. Speaker, as one who has worked for many years to free the Soviet Jews, I support the immediate consideration of loan guarantees to help Israel provide housing for Russian and Ethiopian Jews. These loan guarantees are badly needed so that these refugees can receive the housing that they need and deserve, and I will vote to approve them.

The aid would be structured as an American guarantee to Israeli bonds that would be issued over 5 years. This would allow Israel to pay a lower interest rate on the bonds. Since the guarantee would not be triggered unless Israel defaulted on the bonds, no actual expenditure of public funds would be required. In the 44 years of Israel's existence, that country has never had any problems repaying its debt.

Mr. WAXMAN. Mr. Speaker, after years of spearheading efforts to allow Soviet and Ethiopian Jews to immigrate to Israel, the United States must ensure that this process is completed and that Israel remains a safe-haven for persecuted Jews from around the world.

Accordingly, I strongly and unequivocally support granting Israel $10 billion in loan guarantees—without conditions—as a matter of humanitarian aid for a dependable democratic ally. Without the immediate granting of these guarantees, Israel will simply be unable to cope with a massive influx of immigrants. In fact, the delay over these guarantees has already caused harm. Jews in grave danger in the former Soviet Union are choosing to stay where they are for fear that Israel will not be able to meet their elementary needs. Forced to choose between unnerving developments throughout the various republics and certain hardship in Israel, Jews prefer the known, dangers and all, to the unknown.

Mr. Speaker, every member of this House is well aware of the manner in which the Bush administration has been treating Israel. Whether it be Secretary Baker labeling Israel as the main obstacle to peace in the Middle East, the President himself questioning the right of Jewish-Americans to petition their Government, or an unnamed leaker in the State Department or the Pentagon making blatantly false claims about Israel's handling of sensitive technology, this administration has been going after Israel with unprecedented ferocity.

In going after Israel, the Bush administration appears to have even outdone Israel's more traditional adversaries. Our new good friend, Hafez Assad of Syria, now thinks that he can count on George Bush to deliver the Israelis. King Hussein of Jordan now knows that his support for Iraq is forgiven and forgotten. Meanwhile, Israel, which absorbed 40 of Saddam's Scud missiles during the Persian Gulf war—and did not retaliate at our request—is being pressured by our Government to be reasonable.

Contrary to what President Bush and Secretary Baker claim, their actions are not helping the peace process. Their tactics merely embolden the Arabs and isolate the Israelis. If the Israelis feel isolated, how does the Bush administration imagine the peace process will go forward?

I wish this crisis in the United States-Israel relationship was only a matter of diplomacy. Instead, the tragic effect of the President's position is that the peace process is being confused with critical humanitarian assistance. Through its position, the administration is holding Soviet Jews hostage. President Bush is using endangered and frightened people to gain leverage over the Israeli Government. This is completely illegitimate and immoral. No Russian Jew should be put at risk because President Bush and Prime Minister Shamir differ on the issue of settlements.

The demand for freedom for Soviet Jews always implied a willingness by the citizens of the United States and our Government to facilitate such a massive exodus of people. The Israelis expect over 1 million new arrivals within the next few years. As the most highly taxed people in the world, it is ludicrous to expect the Israelis—as much as they may desire these new citizens—to be able to absorb an additional 25 percent of their population without our assistance. Despite our own economic problems in the United States, I believe that if this issue is properly explained to the American public, our citizens would overwhelmingly support this cost free humanitarian gesture. Indeed, this assistance is cost free. These guarantees are not grants or loans. We are only being asked to guarantee loans which we know full well will be repaid in a timely fashion. If Israel—which has never defaulted on any international obligation—does not meet the standard of good credit, what does?

Mr. Speaker, were it not for the desire of Bush and Baker to impose a settlement on Israel, there would not even be a loan guarantee issue. In fact, this measure would be passed by voice vote and routinely signed by the President. I urge the Bush administration to work with Congress and Israel to allow for the immediate approval of this critical humanitarian assistance.

Mr. KOSTMAYER. Mr. Speaker, I want to speak in favor of the proposed $10 billion in loan guarantees for Israel. And I stress that these are guarantees, not loans, which will allow Israel to borrow funds from private banks at reduced interest rates.

There has been much misinformation concerning these guarantees that needs to be cleared up. First, Israel has never defaulted on a loan; this makes it extremely unlikely that the United States would ever have to fund a single guarantee. Second, Israel has offered to pay the United States a fee for the availability of these loans, eliminating the $200 million to $300 million that the United States would otherwise have to set aside for these guarantees. Third, the allocation of these guarantees would occur at $2 billion a year over a period of 5 years, not all at once in a single $10 billion lump sum. Finally, while there has been concern expressed over the possible diversion of Soviet Jews to the territories, the evidence is to the contrary. Only about one percent of these immigrants choose to reside in these settlements.

During this time of delicate regional peace negotiations, it seems to me the height of folly to undercut the negotiating position of one party, Israel, by demanding that they halt the very activities which are a prime topic of discussion. While all settlement activities are certainly not conducive to a peaceful resolution of the tragic conflict in this region, we must remember that Israel is a beleaguered State and does possess legitimate security concerns. Indeed, some of the settlement construction, such as the building of roads or activity in the

Jordan valley, are very much in line with these genuine concerns. As such, it would be irresponsible to expect Israel to halt settlement activity without at least some sort of reciprocal action on the part of her Arab negotiating partners, such as a halt to the economic embargo or an end to violence in these territories.

In addition, these guarantees will benefit the American economy during this long and painful recession. Currently 85 percent of aid to Israel is spent here in the United States, creating jobs and boosting local economies. The influx of Soviet and Ethiopian immigrants has already provided a boost to the United States prefabricated housing industry. These guarantees will swell Israeli imports of United States goods to an estimated $30 billion over the next 5 years.

Foremost, I support the provision of these guarantees based on humanitarian considerations. Recently I chaired a hearing commemorating the 50th anniversary of the Wansee Conference, where the leaders of Hitler's Germany laid out the formal plans for the extermination of European Jewry. This experience reminded me again that we must never forget; the Israeli people are all refugees who have been cruelly persecuted for centuries. For many years, the United States pressed the Soviet Union to allow free Jewish immigration to Israel. Now, when hundreds of thousands of Jews have left these republics and are sleeping in tents, without heat or plumbing, we should not decline to follow through on our commitment to help—especially when that help could be offered at no cost to United States taxpayers.

Mr. LENT. Mr. Speaker, it is a pleasure for me to participate in this special order on the Israeli Government's request for absorption loan guarantees.

I am very proud to rise to voice my strong support for the loan guarantees to assist the State of Israel in the absorption of Soviet and Ethiopian Jews. While I have spoke out in favor of the loan guarantees on many occasions, I do so now with the knowledge that the need for them is greater than ever before.

Regrettably, consideration of this issue has stalled and, to some, it has ceased to be a humanitarian concern. Yet, Mr. Speaker, that is exactly what it is. Accordingly, the message I want to deliver today to the President, to the Members of the other body, and to my colleagues in this House is that the loan guarantee request should be approved without any further delay.

In recent weeks, many of my Long Island constituents have visited my office to express opposition to the policy adopted by the Bush administration in this matter. I have heard from many others who are alarmed by reports of outrageous comments by high ranking officials of this Government and by the dissemination of inaccurate allegations against a trusted ally. I understand and appreciate these concerns and believe we must work to get relations with Israel back on track.

As one who has worked very hard over the years to win the freedom of persecuted Jews from the Soviet Union, Ethiopia, and other countries, I very moved by the arrival of waves of immigrants in Israel. These people are refugees, possessing very little and having endured years of oppression, uncertainty, and the threat of violence. They are looking to the United States for the help they need to begin new lives in freedom.

Clearly, the massive influx of Soviet Jews presents great opportunities and challenges for the Israeli people. It is my sincere hope that, with America's help, Israel will enjoy great success in the absorption process and begin an era of accelerated economic growth and prosperity.

Mr. Speaker, Israel remains our steadfast ally and the bastion of democracy in the Middle East. With this in mind, I will continue to work in support of the loan guarantee request and to strengthen the special relationship between the United States and Israel. I urge the President and each of my colleagues to join this important effort.

Mr. MATSUI. Mr. Speaker, for over 40 years, the leaders of the United States have expressed their concern for the plight of millions of Jews around the world who have been subject to discrimination and unjust laws, and denied the freedom to emigrate to the country of their choice. Today, America should be proud that the thousands of letters written by its citizens, and the numerous speeches, meetings and fact finding missions of American leaders have played a significant role in bringing about the emigration of an anticipated 1 million Soviet and Ethiopian Jews over the next 5 years.

In an effort to help Israel finance the enormous task of absorbing these people, the United States should, without delay, extend Israel loan guarantees which would allow Israel to borrow $10 billion from commercial banks. The United States is not being asked to give or even to lend Israel anything, but, rather, would be assisting Israel in its herculean task by allowing it to obtain loans at more favorable rates of interest and with an extended repayment period.

Most of these immigrants will arrive in Israel poor, homeless, and without basic knowledge of Hebrew. Loan guarantees will allow Israel to improve its infrastructure, and provide education, training and housing for its new citizens. Israel urgently needs resources to supplement the extensive efforts they have already made and it behooves the United States to help its long time ally in this cause for which it has expressed such an interest.

This administration has expressed its concern with the plight of Soviet Jews on numerous occasion, but now, when the United States finally has the opportunity to take a concrete action to assist these refugees and future refugees, President Bush has refused the promised loan guarantees. In effect, he has reneged on his promise and is attempting to use the loan guarantees as leverage on Israel, specifically to link these guarantees to an ending of Israel's settlements in the West Bank.

By delaying the granting of these guarantees, President Bush shows a lack of appreciation for the historical circumstances which have brought us to this day. Largely at the request of the United States, Israel refrained from responding to Iraqi aggression and forced its citizens to live under the threat of Iraqi attack and chemical weapons. With the breakup of the former Soviet Union, the immediacy of Israel's need has never been greater. It is unclear if the new republics will continue the Gorbachev policy of free emigration for Jews wishing to move to Israel. Failure to follow through on our pledge of support seriously undermines the credibility of our Government in the eyes of our allies and blatantly illustrates the President's willingness to play destructive politics with the lives of those he professes to want to help.

The loan guarantees should be considered a humanitarian issue unrelated to outstanding political problems in the Middle East. Certainly, the issue of settlement in the West Bank, Gaza, and the Golan Heights is causing a great deal of concern, but it is just one of many issues that Israel and the countries of the Middle East need to discuss. Equally important are the refusal of Arab nations to recognize the right of Israel to exist, the economic boycott against Israel, government supported terrorism, human rights violations, and a dangerous military build-up. It would be hypocritical of the United States to go back on a standing pledge for assistance to our ally Israel while engaging in arms sales with destabilizing forces in the Middle East.

President Bush's opportunistic politicking at the expense of the same former Soviet Union refugees the United States fought to free shows not only a lack of leadership but a remarkably short-sighted vision of America's role in the world. The United States should show true leadership and extend to Israel without delay the promised loan guarantees.

Mr. SWETT. Mr. Speaker, I commend my colleagues, Mr. OWENS of Utah, Mr. SAXTON of New Jersey, and Mr. SCHUMER of New York for calling this special order to focus attention upon the issue of loan guarantees for refugees arriving in Israel. This is an issue that deserves the serious and favorable attention of the Congress, and I very much regret that the White House and the State Department have so vigorously opposed this worthy effort.

For well over a quarter century, United States policy has fought to assure Jews in the Soviet Union the right to emigrate from the Soviet Union and other countries where they have suffered persecution and discrimination. For decades, these individuals were denied the fundamental human right of free movement to leave countries which have oppressed them.

Now tens of thousands of Soviet Jews are arriving in Israel, and many thousands more have arrived from Ethiopia and other countries where they have been persecuted. Israel has extended a warm and sincere welcome to these refugees and has acted in our own proud tradition of accepting peoples from many regions as part of their own unique melting pot. We commend them for this hospitality to so many. With the alarming rise of anti-Semitism in the republics of the former Soviet Union and the countries of central and eastern Europe, it is more urgent than ever that we aid these Jews as they flee to the safe haven that Israel has provided for them.

Israel faces a massive task of resettling these refugees. In the past 2 years, it has seen an influx of 400,000 refugees. During this coming decade, that country will absorb a refugee population of as many as 1 million people. Considering the size of the population of Israel, this influx of refugees into Israel is

the equivalent of an increase of 70 to 80 million people by the United States, the equivalent of the United States absorbing the entire population of France.

Mr. Speaker, the Government of Israel asked the United States to assist with this immense task of providing—no money—but guarantees for loans which Israel would use for the construction of needed new housing which will also provide employment for these new arrivals.

These loan guarantees do not represent a cost to the United States—they would simply permit the Government of Israel to borrow money at lower rates of interest in order to increase the amount that can be used to provide for the much needed housing. There is no risk that these loans will not be repaid. Israel has an outstanding record for repayment of its debts. Furthermore, these talented, educated refugees, who are seeking to find new lives in Israel, will significantly bolster the economy, and this will further substantially increase Israel's ability to repay the loans.

During the Persian Gulf war, just 1 year ago, President Bush and Secretary of State Baker asked Israel to absorb a series of Scud missile strikes against its civilian population without what would have been a thoroughly justified military response against Iraq for these outrageous and unprovoked attacks. The Israeli Government generously agreed to our request—at considerable domestic political cost.

Mr. Speaker, the White House and the State Department coldly turned their backs when Israel requested that our Government guarantee loans to assist it in building housing for hundreds of thousands of refugees. This administration has a short memory, Mr. Speaker, and one that only remembers selectively.

As you know, Mr. Speaker, Senator LEAHY attempted in all sincerity to work out a compromise with the administration that would have assured that none of the loan guarantee funds would go toward construction of potentially controversial new settlements in the occupied territories. But even these eminently reasonable efforts to meet the administration's concerns were summarily rebuffed by the White House and State Department.

The United States should agree to this reasonable request for loan guarantees for our only democratic ally in the Middle East. It is consistent with the human rights principles that underlie our democratic Government, it is consistent with the close relationship that we have maintained with the Government of Israel for nearly a half century, and it is consistent with our own long-term interests in the Middle East.

Mr. Speaker, it is my sincere hope that the administration will alter its unwise and unfounded opposition to these loan guarantees.

UNITED STATES POSITION ON ISRAELI LOAN GUARANTEES

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, over the course of a generation, the American Jewish community worked together with many of us in the Congress to encourage the removal of Soviet impediments to Jewish emigration. During the last few years, I shared in the exhilaration that accompanied fulfillment of the dream of freedom for hundred of thousands of Soviet Jews. Our joy at witnessing the dismantling of exit barriers, however, always remained tempered by a recognition of the tremendous challenges the State of Israel faced.

As an advocate of a generous American response to refugee crises, I have found the impasse over loan guarantees particularly disheartening. The current position of the United States on loan guarantees is based on administration policy opposition to facilitating, directly or indirectly, settlements in the occupied territories. I recognize the argument that money is fungible and funds made available for one purpose free up funds for another purpose. The theory of fungibility led to a proposal for offsetting the amount of loan guarantees by the amount spent on settlements in the occupied territories. Unfortunately, administration policy has hardened into linking loan guarantees to a total prohibition on settlement activity.

Throughout the months that Congress has deferred to the administration, little or nothing has been said about the scope of Arab settlements or the West Bank or about loan guarantees to Arab States.

An uncompromising American policy attempts to precondition our cost-free involvement in Israel's resettlement efforts on Israel's willingness to make a major concession on an issue its Government views as essential to its security. The U.S. stand is inappropriate because, first, an offset formula whatever one thinks of it can ensure that U.S. loan guarantees provide no encouragement—even indirectly—to the building of settlements, and second, settlement activity is an issue to be addressed in the context of Middle East peace negotiations—with the appropriate United States role solely that of facilitating the process.

If we hope to encourage compromises in the negotiations between Israel, the Arab States, and the Palestinians, we need to foster confidence in Israel that we will never abandon her—that our moral commitment to the preservation of the homeland is unchanged and fundamental. I believe Israel's willingness to take risks for peace will be enhanced and the peace process will benefit by a steadfast American resolve to recognize Israel's vital interests.

CONSEQUENCES OF THE CLEAN AIR ACT ON MIDWEST REGION OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes.

Mr. DURBIN. I thank the Speaker.

Mr. Speaker, the topic that we are to discuss this evening is one of critical importance to this country, of special importance to the Midwest, and I think of major economic consequence to those who live in the Midwest who are now suffering from the aftereffects of this recession which we are experiencing.

Let me try to give some background, if I might: In 1990 this Congress of the United States enacted a new Clean Air Act in an effort to reduce air pollution in America. It may be one of the most technically complex and politically difficult pieces of legislation ever considered by this Congress. Great credit is owed to the Members of Congress as well as the administration for working diligently for over 1 year to come up with the Clean Air Act. The American people made it clear that they wanted air pollution standards in America to be as good as possible. In addition, many interest groups affected by this legislation came forward to make some input into the discussion. There was a genuine concern that we would solve the environmental problem at great economic expense. Many watched as this bill progressed, to make sure it contained provisions which were sensible, advanced the cause of environmental progress and environmental fairness, and also did not economically condemn the United States to further loss of jobs and any kind of downturn in the future.

One of the areas that was, I guess, the most controversial was the question of the type of fuel which would be used in automobiles and other vehicles in certain parts of the United States.

Almost everyone is aware of the fact that our air pollution problem in major cities has a great deal to do with the fact that we as Americans love to drive our automobiles and trucks and recreational vehicles. Each of those vehicles gives each of us a personal freedom, but at the same time it adds to our air pollution problems. What we attempted to do in the Clean Air Act is to move toward different sources of fuel for these vehicles which would not cause the air pollution problems which we are presently experiencing.

We came down to a debate as to how much oxygen content would be in these fuels and thereby diminish the air pollution caused by their consumption.

It was a hot topic because as you established certain oxygen levels you necessarily move from some fuels which have higher oxygenation to those which have lower. And in this particular debate, the two sides that were squaring off were the alcohol fuels industry, which was based in supporting ethanol, and those from other sources of oxygenated fuels, such as MTBE, an ether product derived from ethanol.

The debate went forward and backward and appeared at times to be in-

tractable. But finally a compromise was reached, and one which both sides believed to be fair.

The object of that compromise was to set standards for air pollution in certain cities and standards for oxygenation of fuels which would share the market so that those who were producing MTBE, this additive for our gasoline, would have an opportunity to use their fuel in some areas while those who produced ethanol, alcohol fuel blended with gasoline across the United States, would also have their chance to be used in the process of cleaning up the air in America.

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Mr. Speaker, there was a great deal of excitement which greeted the passage and signing of this Clean Air Act, particularly by those who lived in the Midwest. The feeling was that the continued use and the expanded use of ethanol meant a great deal to those of us from corn-producing States.

Ethanol is an alcohol fuel blended with gasoline, used in motor vehicles, which is derived primarily from grain, and primarily from corn. In fact, in the United States today we produce 900 million gallons of ethanol each year. It takes 360 million bushels of corn to produce it. As a result of this consumption of corn for ethanol, of course there is more demand for the product, and the price of corn has gone up, and it means for the average corn farmer in America 15 to 20 cents a bushel because the ethanol industry needs that corn to produce ethanol, this alcohol fuel additive.

Now we anticipated with the Clean Air Act there would be increased demand for ethanol, thereby bringing the price of corn up even further and helping corn farmers across this country who are having a difficult time to survive. Approximately 5 percent of the production of corn in the United States today is consumed by the ethanol producing industry, but in some States it is much more. In my State of Illinois 17 percent of the corn grown is converted into ethanol, so my colleagues can see that the ethanol industry has a very dramatic impact on the benefits derived by those who produce corn.

Ethanol production provides as many as 5,000 jobs for each 100 million gallons. Of course, what this means is that the raw corn is of little value. It cannot be used for fuel purposes until it is converted into this alcohol fuel.

So, Mr. Speaker, we have found across the United States plants being built, industrial complexes to convert corn into ethanol. There was an excitement among the people who lived in these areas that, as we started to clean up the air in America and reduce the air pollution problem, we would be using a product which would, not only help farmers, but also help a lot of workers who would be put to work to make this ethanol.

There is a third aspect that is equally important. We, as a nation, have become increasingly dependent on imported fuel and imported oil. We all can remember that just a few months ago our sons and daughters were being called to serve overseas in the Persian Gulf because of our fear that, if Saddam Hussein and his Iraqis expanded his political grasp into other areas, it could cut off a source of fuel for the United States. This source of energy was critically important, and so we literally risked the lives of our sons and daughters, our brothers and sisters, mothers and fathers. They went off to this war to preserve this source of energy. There is a feeling that the Clean Air Act, by expanding the use of ethanol, would reduce our dependence on foreign fuel.

Ethanol is, of course, an all-American product. It is made from American grain here in this Nation. So, we would have three real benefits coming out of this Clean Air Act.

Now a lot of us from States in the Midwest, particularly coal producing States, had mixed feelings about the Clean Air Act. We all believe in the concept of clean air. We all want to rid our Nation of pollution, but we realize a price has to be paid, and in a State like Illinois, which has a great deal of high sulfur content coal, we are paying that price today.

Our economy is suffering despite our best efforts to include provisions in the Clean Air Act for scrubbers and ways of using this high sulfur content coal. We did feel there was an economic fallback in Illinois that, even though our economy would be hurt by the loss of coal mining jobs, we would be benefited by the fact that we would now be using more ethanol.

There is a great deal of excitement and enthusiasm over this idea. In fact, we found across the United States that companies were jumping on the prospect that this Clean Air Act would create a higher demand for ethanol and real jobs.

Let me give my colleagues some examples of the anticipated increase in jobs that could have come as a result of the Clean Air Act's ethanol provisions. Archer Daniels Midland, the largest producer of ethanol in the United States, anticipated substantial expansion in both Illinois, my State, and the State of the gentleman from Iowa [Mr. LEACH]. Cargill was going to expand its ethanol facilities in Iowa and Nebraska. Pekin Energy anticipated building a plant in southern Illinois, Marion, IL, an area that is very depressed and has a high unemployment rate. North Carolina Ethanol was going to build an additional facility in Faison, NC. The Minnesota Corn Processors had plans for plants in Nebraska and Minnesota; Chief Ethanol in Nebraska; High Plains Ethanol in Kansas; New Energy in South Bend, IN; Nebraska Nutrients in Nebraska, and various others. They anticipated that this Clean Air Act would give them the opportunity to create jobs primarily in rural America.

My district is a district representing rural Americans, and we can certainly use this kind of an economic boost. Everything looked as if it was on schedule and moving along fine until we started to get wind of the fact that the Environmental Protection Agency, which was drawing up the regulations to implement the Clean Air Act, was interpreting them differently than the Congress intended, in particular their establishing volatility and oxygen levels for these fuels would ultimately preclude the use of ethanol and, in fact, make us reliant on MTBE, the methanol product which I mentioned earlier.

Now this was never the intent of Congress. In fact, if someone made it clear from the beginning that this was the intent and that the administration would interpret the bill accordingly, I am not sure the Clean Air Act would have passed. Many of us from farm States were persuaded to support the legislation because of these ethanol provisions, and yet now the EPA by regulation is changing the clear intent of Congress.

Mr. Speaker, this has met a firestorm of opposition, bipartisan opposition. My colleague, the gentleman from Iowa [Mr. LEACH] is a Republican; I am a Democrat. A Senator from Kansas, a Republican Senator, has written to the President opposing these EPA regulations, as well as the minority leader from the State of Illinois, a Republican Congressman. We have had 43 other Members join us in letters to the President, Democrats and Republicans, protesting this interpretation of regulations by EPA.

I just had meetings over the last several days back in Illinois with some of my farmers. They are very upset. They feel that they have been asked to sacrifice because of the budget deficit. They have had cutbacks in their programs, and they have accepted them willingly. But they feel that this interpretation of the Clean Air Act by the EPA is totally unfair.

During the last several weeks the price of corn on markets in the Midwest has declined. They feel, and I agree, that it is primarily because of this news coming out of the Environmental Protection Agency. They feel a sense of betrayal, and I share it with them, to believe that some officials in the Environmental Protection Agency are interpreting this law in a way that I do not think any Member of Congress would interpret it.

Now my colleagues must ask why would the EPA do this if Congress' intent was so clear. I am not sure we have a clear answer to that. In fact, I am not sure the President has made it

clear what his position is on this issue today. We do know that the major oil companies in the United States have little interest in the promotion of ethanol, but in fact have a great interest in the promotion of MTBE as a fuel additive to reduce emissions from the tail pipe. We also know that, while 70 percent of the MTBE used in the United States today is domestically produced, the new MTBE facilities are primarily in the Persian Gulf.

Mr. Speaker, it does not take a great theoretician to understand what is happening here. Once again, if we rely on MTBE to reduce emissions and to bring down our air pollution problems, we will find ourselves dependent again on Persian Gulf sources of energy, and in this case not only oil, but also MTBE.

□ 1740

So we will not only penalize farmers who can see this real increase in income if ethanol is made part of the mix, but we will be penalizing as well American workers, American industrial jobs, particularly in the rural Midwest. So those are the two losers.

Finally, of course, if we were relying on MTBE imported from overseas, we have not come even close to solving this problem of moving us closer to energy independence.

Now, I think there is a great deal that can be said as to what we need to do to try to change the administration's position. But I hope that this special order which I am sharing with my colleague from Iowa, Mr. LEACH, will be the beginning of an opening dialog with the administration to have them sit down and reassess these Environmental Protection Agency regulations.

It is totally unfair to the farmers across America who have relied on the promise of greater ethanol demand for more income. It is totally unfair to the workers who will lose jobs because of these EPA regulations. In addition, it is unfair to American taxpayers. Let me explain why.

As the price of corn goes down because of the lack of demand for ethanol, there is more need for Federal programs to bring it up to target price levels. These Federal programs cost the taxpayers. If the price of corn would rise because of market demand created by the demand for ethanol, there would be less need for taxpayer dollars in the farm programs.

At a time when this Nation is suffering through record deficits, I think it is important that we focus on the fact that ethanol is a vehicle for us to create more farm income and less need for tax dollars to be spent on farm programs. So this issue goes far beyond the Midwest. It goes to virtually every American taxpayer.

Let me conclude this portion by saying that I believe that air pollution is a major problem, not only in the United States but around the world. I believe that ethanol is a real solution to that problem.

In its 1990 owners' manuals, General Motors went beyond acceptance of ethanol as a product and recommended the use of oxygenated fuels such as both MTBE and ethanol. There is no longer a concern that ethanol can be used in cars, although many of the oil companies would argue otherwise.

In my home State of Illinois about one-third of the fuel being sold is blended with ethanol. I use it in my own automobile. I think it is not only perfectly safe, but it is environmentally responsible for an owner of an automobile to use it.

We have, of course, another concern here, and that is the impact of this debate on the Highway Trust Fund. Although ethanol use has a $500 million annual impact on the highway trust fund, this is totally offset by the farm program savings which I described earlier. So in effect, if there is any loss to the highway trust fund, it is made up to our Treasury by the reduced costs of farm programs.

I would urge the Bush administration and particularly the Administrator of the Environmental Protection Agency, Mr. Reilly, to reconsider his regulatory scheme immediately. There are a great number of jobs at stake here, a great amount of farm income, and a great deal of our annual budget deficit at stake in this debate.

If we can urge this administration and successfully convince them to change these regulations to what Congress initially intended, I think it will have a positive impact across the board.

Mr. Speaker, at this point I yield to the gentleman from Iowa [Mr. LEACH].

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

Mr. Speaker, as cochair, with the gentleman from Illinois [Mr. DURBIN], of the alcohol fuels caucus, I rise to underscore the depth of disappointment in rural America over the administration's decision to ease up on the environmental standards for automobile emissions, which has a devastating effect not only in the health of the average American but on the farm economy and the ethanol industry.

At issue are regulations drafted by the Environmental Protection Agency, which would—for all practical purposes—eliminate ethanol as an additive to reformulated fuels.

These EPA regulations would establish that fuels contain, as a maximum, not a minimum, 2.7 percent oxygen. This action would eliminate 10-percent ethanol blends, which contain 3.5 percent oxygen, from being sold in environmentally fragile markets.

The proposed rules governing reformulated gas are myopic and fail to recognize congressional intent of the Clean Air Act amendments which were passed in 1990. The proposed rules disregard ethanol's ability to reduce carbon monoxide emissions by up to 25 percent; they put a narrow regulatory emphasis on questionable research concerning ethanol and the evaporation of volatile organic compounds [VOC's] and their relationship to the creation of smog. Yet it is generally concluded by the scientific community that ethanol takes more carbon monoxide out of automotive emissions than methanol and that, when all environmental factors are reviewed, boosts air quality as well as any other fuel additive.

The practical effect of administration policy is to make methanol the additive of choice for reformulated fuels. This is irrational. Some 30 to 50 percent of MTBE used in this country is imported from the Middle East. Thus, rather than relying on the regenerative cornfields of the Midwest to provide environmentally sound fuel alternatives, it appears that Americans will be forced to continue to rely on fast depleting fuel imported from the minefields of the Middle East.

Current studies show that for each billion gallons of ethanol produced 4,400 farm jobs and 3,700 industrial jobs may be added to the U.S. economy. While some properly suggest that job growth data linked with industry expansion must be viewed with caution, I am obligated to report that the recent decision to roll back EPA standards has had the immediate tangible effect of causing investment retrenchment in grain processing companies. For instance, in Cedar Rapids, IA, alone, a $68 million, 700-job facility has been cancelled due to this EPA action.

Nothing is more important for rural America than new markets for its agricultural products, especially value-added commodities. Unless new markets are developed, the prospect of much of agricultural America remaining on Federal life support systems—subsidies and set-asides—is very high. With new markets, American agriculture could become more self-sufficient and America itself more energy self-reliant.

Mr. BEREUTER. Mr. Speaker, I am pleased to join my colleagues in this special order to bring attention to the Environmental Protection Agency's proposed clean air standards regarding ethanol.

The Clean Air Act, which requires tighter auto emissions controls beginning in 1995 in some cities, encouraged the use of ethanol. However, the EPA has not interpreted the act as Congress intended and has proposed restricting ethanol use. The EPA contends that ethanol gasoline emits harmful levels of nitrous oxide, and some proposed regulations would not allow a waiver for ethanol. Recently the EPA released a notice which permits comments for 30 days on a proposal which would permit the use of ethanol under the Clean Air Act.

Mr. Speaker, within the last month this Member has written letters to the President

and written and made direct contacts with the EPA urging that ethanol be given its share of the reformulated gasoline industry under the Clean Air Act. I commend the effort here today by my colleagues to focus additional attention on this current situation.

I am hopeful that our actions will persuade EPA to consider the benefits of ethanol. We still have an opportunity to convince EPA that the use of ethanol is good for the environment and that it reduces our dependence on foreign oil.

Mr. DURBIN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Speaker, I thank the gentleman for yielding, and also thank him for scheduling this special order this evening.

Mr. Speaker, the development of ethanol fuels provide our Nation with many important opportunities for the 1990's. I believe that a great deal of progress was made with the language of the Clean Air Act amendments of 1990 that was approved by this House and the other body and signed by the President from the standpoint first of all of reaching our environmental goals, but also from the perspective of the energy independence of our country and the standpoint of improving our rural economy.

Unfortunately, the progress which was made with the Clean Air Act amendments is threatened by the interpretation made through the Environmental Protection Agency. We come this evening to speak to the importance of the Environmental Protection Agency reconsidering their decision and getting us back on the right track.

In mid-February the Subcommittee on Forests, Family Farms, and Energy held a field hearing in northern Indiana in my district in the little town of Mentone to assess the status of the domestic ethanol industry since the enactment of the Clean Air Act amendments of 1990. I was very appreciative that the chairman of our subcommittee, the gentleman from Missouri [Mr. VOLKMER], and the gentlewoman from Indiana [Ms. LONG], came to join me at that hearing to listen to the testimony of representatives of the farm community and other interests concerned about ethanol as well as various citizens that have done research on the subject.

It is of great concern to me and to the others at that hearing that several witnesses expressed disappointment regarding the EPA's implementation of the oxygenated fuels and reformulated gasoline programs included in the Clean Air Act.

One industry witness testified that the potential ethanol production expansion which was anticipated when the Clean Air Act amendments were passed has not been realized because of delays in promulgating regulations and guidelines, and confusion regarding ethanol's role in reformulated gasoline created by certain decisions that the EPA has made.

□ 1750

I believe that there are essentially three items which need to be implemented if the promise of the Clean Air Act for rural America is to be realized in the marketplace.

First, beginning in November of this year, EPA must fulfill its obligation in the oxygenated fuels program and assure that this program is implemented in every carbon monoxide [CO] nonattainment area without unnecessary limits on oxygen content. Specifically, the program proposed by the California Air Resources Board, which reduces oxygen content by one-third and for all practical purposes eliminates ethanol from the marketplace, and the proposed program in New York, which caps oxygen content at 2.7 percent and therefore precludes the use of 10 percent ethanol blends, must both be amended to allow for the use of ethanol.

Second, EPA must clarify that the 1-pound volatility tolerance provided to ethanol blends in subsection 211(h) of the Clean Air Act applies to ethanol-blended reformulated gasolines sold under subsection 211(k) of the act, and resolve concerns that this will effect the VOC reduction levels which States need to achieve. The issue is really quite simple—Congress enacted the reformulated gasoline provisions, in part, to encourage the increased use of cleaner burning, domestically produced, octane and oxygenates such as ethanol—not to preclude their use. The regulations proposed by EPA must reflect this very clear objective of the Congress.

Third, EPA must develop a program to require the development and use of domestically produced nonpetroleum, nonhydrocarbon octane enhancers. We have the technology for using ethanol as an octane enhancer, and we should begin doing this.

Mr. Speaker, it is my hope that the Administrator of EPA will give prompt attention to these concerns that ethanol use be expanded in the manner which Congress intended.

Mr. Speaker, again, I appreciate the opportunity to join the gentleman from Illinois, the gentleman from Iowa and others from the heartland of our country to express our concern that the EPA now has the responsibility to implement the law as the Congress intended, and we urge them to undertake that responsibility for the well-being of all the people of our country.

Mr. DURBIN. Mr. Speaker, I thank my colleague from Indiana. I yield to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I would like to thank my colleague, the gentleman from Illinois [Mr. DURBIN], and the gentleman from Iowa [Mr. LEACH] for bringing this matter before this House today. I appreciate having the opportunity to join in this discussion of a very, very important matter for my district and I think for the Nation as a whole.

Mr. Speaker, When Congress passed the Clean Air Act Amendments of 1990, I had not yet been elected to this body. However, there was no mistaking the hope that passage of that act sparked in rural America. America's farmers, who have for so long prided themselves on feeding the world, now anticipated that they might also contribute to cleaning up our Nation's air. The 1990 Clean Air Act promised that ethanol, made from our Nation's plentiful grainstocks and other renewable sources, would compete on an equal footing with other alternative fuels.

Now, we worry that that might not be the case. Despite ethanol's enormous environmental promise, despite the proof of cleaner air in Boise, ID and other cities that have used ethanol, despite congressional intent, the Environmental Protection Agency appears ready to prevent its use in the cities where it is needed most: The nine cities in violation of ozone standards of the Clean Air Act. Those nine cities lie in all corners of the Nation, and exclusion of ethanol from those major markets could spell doom for the industry.

The side benefits of ethanol are almost too numerous to mention: Energy security for a nation too dependent on foreign sources of energy, income for our Nation's farmers, who have seen much hardship the last 10 years. But the fact is, even if none of these other benefits existed, ethanol would still be a good deal for America.

It seems like the farm community and the environmental community are too often at odds with each other. This is one issue on which we all should agree. Ethanol has proven that it can help solve our environmental problems, but we must give it the chance. I urge the EPA to remember why the Clean Air Act was passed—to clean up our Nation's air using the most effective means available.

In conclusion, Mr. Speaker, I would like to add a few comments to my prepared remarks, indicating that in central Illinois, where ADM, a major producer of ethanol has already decided, because of the inability of this Government to act, that they would cut back on their employment and other expansion. Making corn into ethanol is an excellent example of value added.

We take what we produce, we add labor to it, and we have a new product. Everyone gains in our economy, our farmers, our working men and women.

In addition, without the use of our corn for ethanol, estimates range from 15 to 30 cents a bushel is added to the price of our grain. Without this incre-

ment, the Federal Government could certainly incur additional deficiency payments, which are a drain on our Treasury.

Mr. Speaker, this is such an important issue. As I understand the EPA is possibly considering a regulation which would allow for a scientific study to determine if ethanol was damaging to the ozone.

Mr. Speaker, I suggest that the EPA should clear the use of ethanol pending such an investigation, if they feel it is necessary. I think those of us who think that ethanol is safe, it will prove to be so and that it would be most beneficial to our economy at a time when that is much needed.

That would be my recommendation in addition to the other comments made here today.

Mr. DURBIN. Mr. Speaker, I thank my colleague from Illinois for his contribution.

I yield to my other colleague, the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois, my colleague from down in the mid-State where there is a lot of cornfields, and also my colleague from Iowa here—the tall corn State—although we sometimes argue about whose corn is taller or whose tales are taller.

Anyway, there are some real opportunities. I can remember, as I am sure my colleague from Illinois can remember, just a year ago we were embroiled in a war, a war in the Middle East, basically over energy issues.

I can remember the candid arguments and sometimes not-so-candid arguments about why we were there.

We also agreed that we had to come back here and be serious about putting together a national energy strategy, a national energy strategy that talks about renewable fuels, that talked about different ways of doing things. And yes, ethanol was on that docket. That was a thing to be considered.

I know in Illinois and Iowa, as a matter of fact in my district I have been told that between 15 and 20 percent of our corn yield every year goes into the production of ethanol. And here is something that American farmers, Midwest farmers, can increase markets. We can solve, begin to solve the energy problem here in the United States with a renewable energy resource, something that is produced in the heartland of America, something that creates jobs, American jobs where American workers can go to work and earn a good day's pay.

And we do not have to be dependent on oil or petrochemical products from overseas. But I am somewhat chagrined at what is going on now in the EPA and a study about the Reed volatile pressures in gas tanks what ethanol was supposed to do, when it is combined or mixed with gasoline and the combination, and almost a sham argument that all of a sudden this whole ethanol issue that we worked so hard on and tried to develop and bring forward here in this Congress and tried to make part of a national energy policy, all of a sudden is being pushed aside because of some spurious argument down in the EPA.

The fact is that in areas like Chicago, that I do not represent but I am right on the rim of the great metropolitan area in Illinois, ethanol is available. Ethanol is something that can reduce emission problems.

It is an oxygenate. It creates oxygen. It is something that is a plus. But all of a sudden—because maybe the great oil pressures in this country have reached their arm into the EPA and are twisting, or pushing, or shoving, or doing something down there to change the order of thinking around.

We need to have a study. We need to show that ethanol is positive for the environment of this country. It is something that is positive for the economy of this country. It is something that is positive for American jobs. Certainly it is something that is positive for American farmers.

For once in this country we can start to come to commonsense solutions in this body and point to something that we can begin to solve the problem with, solve the problems of farm subsidies. If we have markets for farm products, we do not have to worry about farm subsidies. If we create jobs, we do not have to worry about people on unemployment. If we create our own renewable energy, we do not have to worry about the foreign affairs in the Saudi deserts.

I commend my colleague, the gentleman from Illinois [Mr. DURBIN], and certainly my other colleague, the gentleman from Illinois [Mr. EWING], and my good friend and colleague, the gentleman from Iowa [Mr. LEACH], for bringing this special order forward.

Mr. DURBIN. Mr. Speaker, I thank the gentleman from Illinois, my colleague, for joining me on this special order.

Just a few months ago the President of the United States stood in this Chamber and delivered his annual State of the Union Address. We listened intently as the President described a nation caught up in a recession and suggested ways to bring us off that recession.

One of the things the President suggested that he would do within his own branch of government would be to turn to the Federal agencies under his control and ask them to review all of the applicable regulations coming out of the Federal Government to decide which regulations should be amended, changed, or abolished in an effort to create more jobs in America.

I would suggest to the President and to those supporting the administration, the first regulation they should look to is this regulation from the Environmental Protection Agency. What is at stake here with this interpretation by the Environmental Protection Agency is 30,000 jobs, 30,000 new jobs for American people.

Lest we believe for a moment that these are minimum wage jobs, let me give an idea of what they pay. In the home State of my colleague, the gentleman from Iowa, the corn wet-milling industry provides 2,550 people with an average wage of $37,000 a year. The dry-milling industry employs an additional 620 people at an average wage of $27,000. So the 30,000 jobs we are talking about in rural America, the places that I described earlier, are spectacularly good jobs in today's economy. The families that receive these incomes will be able to turn around and purchase the automobiles, the appliances, the things which our economy needs to get rolling again. But for this regulation by the EPA, we could be moving forward for the creation of these 30,000 new jobs.

Second, this decision by the EPA means a loss of farm income to the farmers across the United States of about $114 million, lost farm income. In other words, the price of corn will not go up 15 cents to 20 cents a bushel. In fact, it has gone down. Farmers across this Nation will suffer that loss individually and will then have to make their economic decisions accordingly.

Without these funds in their personal accounts, in their business accounts, they will be unable to buy the necessary equipment to replace old, obsolete, and wornout equipment. They will be unable to purchase the additional land, to make the additional developments in their own farm operations.

The losers, as my colleagues, the gentleman from Illinois and the gentleman from Iowa [Mr. LEACH], readily attest, will be the businesses across the Midwest which will not see this infusion of farm income being respent back into this economy.

If the President is looking for a regulation to change to fight the recession, to create jobs, to create economic opportunities, let him start with the EPA and this misinterpretation by them of the clear language of the Clean Air Act. That single regulation being changed will do more to help this economy than any other regulation that I have heard described on the floor of this House of Representatives in the last several months.

The administration has a clear choice. The choice is between 30,000 jobs and keeping the oil companies happy. The choice is between $140 million in new farm income and saying to the oil companies, "You are going to have your way."

We cannot let that happen. We have got to make the decision today that it is too important for America, too important for our economy, to turn our backs on it.

It is not a partisan decision. My colleagues on the other side of the aisle

feel as strongly as I do that this administration has made a wrong turn. We want to set him back on that straight and narrow path headed towards the true goals of the Clean Air Act which we passed in this Chamber in 1990.

If my colleagues have nothing further to add, then I yield back the balance of my time.

NOTICE OF CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–287)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

1. On October 4, 1991, in Executive Order No. 12775, I declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 FR 50641). In that order, I ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. I also prohibited any direct or indirect payments or transfers to the *de facto* regime in Haiti of funds or other financial or investment assets or credits by any U.S. person or any entity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, I issued Executive Order No. 12779 adding trade sanctions against Haiti to the sanctions imposed on October 4 (56 FR 55975). Under this order, I prohibited exportation from the United States of goods, technology, and services, and importation into the United States of Haiti-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempts trade in publications and other informational materials from the import, export, and payment prohibitions and permits the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States.

2. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. I reported the emergency declaration to the Congress on October 4, 1991, pursuant to section 204(b) of the International Emergency Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in my order of October 28 were imposed pursuant to the authority vested in me by the Constitution and laws of the United States, including the statutes cited above, and implement in the United States Resolution MRE/RES. 2/91, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States ("OAS") on October 8, 1991, which called on Member States to impose a trade embargo on Haiti and to freeze Government of Haiti assets. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and discusses Administration actions and expenses directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Order No. 12779.

3. On March 31, 1992, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), after consultation with other Federal agencies, issued the Haitian Transactions Regulations, 31 C.F.R. Part 580 (57 FR 10820, March 31, 1992), to implement the prohibitions set forth in Executive Orders Nos. 12775 and 12779.

Prior to the issuance of the final regulations, FAC issued a number of general licenses to address urgent situations requiring an interpretation of U.S. sanctions policy in advance of the final regulations. These general licenses provided agency policy regarding the articles (baggage, personal effects, etc.) that could be exported or imported by travelers to and from Haiti; the treatment of amounts owned to the *de facto* regime by U.S. persons for certain telecommunications services; the movement of diplomatic pouches; the obligation of banks and other financial institutions with respect to Government of Haiti funds in their possession or control; authorization of commercial shipments to Haiti of medicines and medical supplies; and the circumstances under which certain exportations to, or importations from, the "assembly sector" in Haiti would be permitted. These general licenses have been incorporated into the Haitian Transactions Regulations.

4. The ouster of Jean-Bertrand Aristide, the democratically elected President of Haiti, in an illegal coup by elements of the Haitian military on September 30, 1991, was immediately repudiated and vigorously condemned by the OAS. The convening on September 30 of an emergency meeting of the OAS Permanent Council to address this crisis reflected an important first use of a mechanism approved at the 1991 OAS General Assembly in Santiago, Chile, requiring the OAS to respond to a sudden or irregular interruption of the functioning of a democratic government anywhere in the Western Hemisphere. As an OAS Member State, the United States has participated actively in OAS diplomatic efforts to restore democracy in Haiti and has supported fully the OAS resolutions adopted in response to the crisis, including Resolution MRE/RES. 2/91.

5. In these initial months of the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on U.S. firms having established relationship with Haiti's "assembly sector," and to ensure the availability of necessary medicines and medical supplies and the undisrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses have been issued (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti, (2) permitting U.S. firms wishing to terminate assembly operations in Haiti to return equipment, machinery, and parts and materials inventories to the United States and, beginning February 5, 1992, permitting firms wishing to resume assembly operations in Haiti to do so provided the prohibition on payments to the *de facto* regime is complied with, and (3) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti.

6. Since the issuance of Executive Order No. 12779, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of Haiti has an interest) are identified and interdicted and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions will be taken.

7. The expenses incurred by the Federal Government in the 6-month period from October 4, 1991, through April 3, 1992, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at

$323,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the Department of Commerce, and the Federal Reserve Bank of New York.

8. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti. I shall continue to exercise the powers at my disposal to apply economic sanctions against Haiti as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTELLO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today and April 8 on account of a death in the family.

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. KYL) to revise and extend their remarks and include extraneous material:)

Mr. RHODES, for 60 minutes, on April 27 and 28.

Mr. LEACH, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on April 30 and May 1.

Mr. GALLEGLY, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mr. CUNNINGHAM, for 60 minutes, on April 8.

Mr. RIGGS, for 5 minutes, today.

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. DURBIN, for 60 minutes, today.

Mr. LEHMAN of California, for 60 minutes, on April 29.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. HORN, for 5 minutes, on April 8.

Mr. HAYES of Illinois, for 5 minutes each day, on April 8 and 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. CAMPBELL of California.

Mr. GILMAN.

Mr. GREEN of New York.

Mr. GALLEGLY in two instances.

Mr. MICHEL.

Mr. BEREUTER.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. TRAFICANT.

Mr. HAYES of Illinois.

Mr. SWETT.

Mr. ASPIN.

Mr. MOAKLEY.

Mr. MAVROULES.

Mr. BLACKWELL in three instances.

Mr. MAZZOLI.

Mr. FROST.

Mr. KANJORSKI.

Mr. CLEMENT.

Mr. VENTO.

Mr. AUCOIN.

Mr. EDWARDS of California.

Mr. APPLEGATE.

Mrs. MINK.

Mr. STARK in three instances.

Mr. FALEOMAVAEGA in four instances.

Mr. MARKEY.

ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Wednesday, April 8, 1992, at 11 a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1991 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, March 20, 1992.

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

DEAR MR. SPEAKER: In accordance with section 4(a) of Public Law 85-804 (50 U.S.C. 1431-35), I am reporting to the Senate on all calendar year 1991 actions taken by the National Aeronautics and Space Administration (NASA) under authority of that Act which involve actual or potential cost to the United States in excess of $50,000.

During calendar year 1991, the NASA Contract Adjustment Board did not grant any request for extraordinary contractual relief under P.L. 85-804.

On January 19, 1983, the Administrator made a decision to provide indemnification to certain NASA Space Transportation System contractors for specified risks arising out of contract performance directly related to NASA space activities. The authority of that decision was extended from September 30, 1984, through September 30, 1989, and has been extended again through September 30, 1994. In addition, on July 11, 1990, the Administrator decided to provide indemnification to certain NASA contractors involved in providing commercial Expendable Launch Vehicle launch services for NASA spacecraft or for activities which are carried out by NASA on behalf of the United States. The authority of that decision extends through June 30, 1995. Copies of the Administrator's Memorandum Decisions Under Public Law 85-804 dated November 5, 1989, and July 11, 1990, are enclosed.

During calendar year 1991, two NASA prime contractors were indemnified under the Memorandum Decision dated November 5, 1989. No NASA prime contractors were indemnified in 1991 under the Memorandum Decision dated July 11, 1990. One other NASA prime contractor was indemnified under a separate Memorandum Decision for the risks set forth therein. A copy of this Decision is also enclosed. A summary description of each contract indemnified is also enclosed.

Sincerely,

RICHARD H. TRULY,
Administrator.

MEMORANDUM DECISION UNDER PUBLIC LAW 85-804

Authority for National Aeronautics and Space Administration Contracting Officers to indemnify certain NASA contractors and subcontractors involved in NASA space activities.

1. On July 4, 1982, the Space Transportation System (hereinafter STS) completed its design, development, test and evaluation phase and was declared an operational system of the United States for the transportation of payload into and out of outer space for governmental and commercial purposes. Except for suspension of STS launches as a result of the Challenger accident, the STS has conducted and will continue to conduct launch, in orbit and landing activities on a repetitive basis and at a prudent frequency.

2. Scheduled STS operations have dictated a continuing examination of the risks in repetitive space activities of the STS and of the present availability of adequate insurance at reasonable premiums to manufacturers and operators of the system. While NASA's STS space activities are designed to be safe, there exists the low statistical probability that a malfunction of either hardware, software or operator error could occur resulting in an accident. This low probability of occurrence cannot be totally removed. In the event that such malfunction or operator error led to an accident, the potential liability arising from such an accident could be substantially in excess of the insurance coverage NASA contractors could reasonably be expected to acquire and maintain, considering the availability, cost and

potential terms and conditions of such insurance at the present time.

3. Pursuant to the authority of Public Laws 85-804 and Executive Order 10789, as amended, and notwithstanding any other provisions of the contracts to which this determination may apply, I therefore authorize that certain NASA contractors, as further defined in paragraphs 4 and 5 below, be held harmless and indemnified against certain risks as specifically set forth herein. Accordingly, and subject to the limitations hereinafter stated, cognizant NASA Contracting Officers are authorized to include in prime contracts, described in paragraphs 4 and 5 below, contract provisions for the indemnification of the contractors and their subcontractors at any tier, against claims, or losses, as defined in paragraph 1A or E.O. 10789, as amended, arising out of contract performance directly related to NASA's space activities.

4. This authorization is limited to prime contracts which have an effective date before October 1, 1994, by or for NASA for:

a. provision of Space Transportation System and cargo flight elements or components thereof;

b. provision of Space Transportation System and cargo ground support equipment or components thereof;

c. provision of Space Transportation System and cargo ground control facilities and services for their operation; and

d. repair, modification, overhaul support and services and other support and services directly relating to the Space Transportation System, its cargo and other elements used in the NASA's space activities.

5. This authorization is further limited solely to claims or losses resulting from or arising out of the use or performance of the products or services described in paragraph 4 in NASA's space activities. For this purpose, the use or performance of such products or services in NASA's space activities begins solely when such products or services are provided to the U.S. Government at a U.S. Government installation for or in connection with one or more Space Transportation System launches and are actually used or performed in NASA's space activities.

6. The risks for which indemnification is authorized are the risks arising under the contracts described in paragraphs 4 and 5 causing personal injury or death, or loss of or damage to property, or loss of use of property. These risks are considered unusually hazardous risks solely in the sense that if, in the unlikely event, the Space Transportation System, its cargo or other elements or services used in the NASA's space activities malfunctioned causing an accident, the potential liability could be in excess of the insurance coverage that a NASA prime contractor would reasonably be expected to purchase and maintain, considering the availability, cost, and terms and conditions of such insurance. In no other sense are the Space Transportation System, its cargo or other elements or services used in NASA's space activities unusually hazardous.

7. a. This authorization may be applied prospectively, without additional consideration, to existing prime contracts and subcontracts and in new prime contracts and subcontracts which otherwise meet the conditions of this memorandum.

b. Indemnification of prime contractors and subcontractors may be provided under this authorization only when the Government will receive the benefit of all cost savings, if any, to the prime contractor and its subcontractors at every tier.

8. All contract indemnification clauses and procedures shall comply with applicable provisions of Federal Acquisition Regulation (FAR) Subpart 50.4 as supplemented by NASA FAR Supplement (NFS) 18-50.4.

9. This authorization is given upon condition that each prime contractor is approved by me and that such contractor maintains financial protection of such type and in such amounts as may be determined by me in writing to be appropriate under the circumstances. Each prime contractor shall provide a statement of applicable financial protection through the cognizant Contracting Officer for my review and determination. In making this determination, I shall take into account such factors as the availability, cost and terms of private insurance, self-insurance and other proof of financial responsibility and workman's compensation insurance.

10. When indemnification provisions are included in a prime contract pursuant to the authority of this decision, the cognizant Contracting Officer shall immediately submit directly to the Contract Adjustment Board a report referencing this decision and containing the information required by NFS 81-50.403-70, Reporting and records requirements.

11. The actual or potential cost, if any, of the actions hereby authorized is impossible to estimate since it is contingent upon the remote possibility of an occurrence and extent of loss resulting from certain space activities which malfunction. Such an event may never occur; however, should a major incident occur, millions of dollars of damage could result.

12. I find that this action will facilitate the national defense. In the remote event that the Space Transportation System, its cargo or other elements or services used in NASA's space activities malfunctioned causing damage in excess of insurance maintained by contractors and subcontractors, the resulting excess liability could place the contractors' and subcontractors' continued existence in jeopardy, making those contractors and subcontractors unavailable to continue to support space activities and the Department of Defense. I note that for purposes of the Defense Production Act of 1950, the term "national defense" is defined as "programs for. . .space, and directly related activity." (50 U.S.C. App. 2152 (d))

November 5, 1989.

RICHARD H. TRULY,
Administrator.

MEMORANDUM DECISION UNDER PUBLIC LAW 85-804

Authority for National Aeronautics and Space Administration contracting officers to indemnify certain NASA contractors and subcontractors involved in providing commercial Expendable Launch Vehicle (ELV) launch services for NASA spacecraft or for activities which are carried out by NASA on behalf of the United States.

1. Prior to the Challenger accident and consistent with national policy, NASA's phase-out of our Expendable Launch Vehicle (ELV) program was near completion and most missions were transitioned to the Shuttle for launch. Up until this time, NASA had total responsibility for the design, development, fabrication, test, and launch of both Government and commercial payloads on the Scout, Delta, and Atlas-Centaur launch vehicles. The President's National Space Policy of November 2, 1989, which reaffirmed the key tenants of earlier national policy statements, directed Federal Agencies to establish a Mixed Fleet Launch Policy utilizing the unique capabilities of the Space Shuttle and ELVs to support Government launch requirements. The policy also precluded NASA from maintaining an ELV adjunct to the Space Shuttle and directed NASA to procure requisite ELV launch services directly from the private sector or through the Department of Defense. In accordance with the Deputy Administrator's Decision Memorandum #22, dated January 27, 1989, NASA will acquire launch services whenever possible directly from commercial operators.

2. Increasing need of launch services with a high degree of mission success has dictated a continuing examination of the risks in repetitive launch activities and the present availability of adequate insurance at reasonable premiums to providers of commercial expendable launch services. While commercial launch activities are designed to be safe, there exists the low statistical probability that a malfunction of either hardware, software, or operator error could occur resulting in an accident. This low probability of occurrence cannot be totally removed. In the event that such a malfunction or operator error led to an accident, the potential liability arising from such an accident could be substantially in excess of the insurance coverage NASA contractors could reasonably be expected to acquire and maintain, considering the availability, cost, and potential terms and conditions of such insurance at the present time.

3. Pursuant to the authority of Public Law 85-804 and Executive Order 10789, as amended, and notwithstanding any other provisions of the contracts to which this determination may apply, I therefore authorize that certain NASA contractors, as further defined in paragraphs 4 and 5 below, be held harmless and indemnified against certain risks as specifically set forth herein. Accordingly, and subject to the limitations hereinafter stated, cognizant NASA contracting officers are authorized to include in prime contracts, described in paragraphs 4 and 5 below, contract provisions for the indemnification of the contractors and their subcontractors at any tier, against claims or losses, as defined in paragraph 1A of Executive Order 10789, as amended, arising out of contract performance directly related to providing NASA commercial ELV launch services.

4. This authorization is limited to prime contracts which have an effective date before June 30, 1995, by or for NASA for provision of commercial ELV launch services.

5. This authorization is further limited solely to claims or losses resulting from or arising out of the use or performance of commercial launch services provided to NASA, where NASA, under its contract, maintains sufficient oversight and approval rights to assess and influence mission risk. For this purpose, the use or performance of such launch service activities begins only after such services are provided to the U.S. Government at a U.S. Government installation for or in connection with one or more ELV launches and are actually used to provide launch services for NASA or NASA-sponsored activities which are carried out by NASA on behalf of the United States. The use or performance referred to is limited to the explosion, detonation, combustion, or impact of a launch vehicle, its payloads, or a component thereof, whether or not the payload is separated from the launch vehicle.

6. The risks of which identification is authorized are the risks arising under the contracts described in paragraphs 4 and 5 which result in claims by third persons, including

employees of the contractor, for death, personal injury, or loss of, damage to, or loss of use of property; loss of, damage to, or loss of use of property of the Government. These risks are considered unusually hazardous risks solely in the sense that if, in the unlikely event, the ELV, its cargo or other elements or services used in providing NASA launch services malfunctioned causing an accident, the potential liability could be in excess of the insurance coverage that a NASA prime contractor would reasonably be expected to purchase and maintain, considering the availability, cost, and terms and conditions of such insurance. In no other sense is the provision of commercial ELV launch services for NASA spacecraft unusually hazardous.

7. a. This authorization may be applied prospectively, without additional consideration, to existing prime contracts and subcontracts and in new prime contracts and subcontracts which otherwise meet the conditions of this memorandum.

b. Indemnification of prime contractors and subcontractors may be provided under this authorization only when the Government will receive the benefit of all cost savings, if any, to the prime contractor and its subcontractors at every tier.

8. All contract indemnification clauses and procedures shall comply with applicable provisions of Federal Acquisition Regulation (FAR) Subpart 50.4 as supplemented by NASA FAR Supplement (NFS) 18-50.4

9. This authorization is given upon condition that each prime contractor maintains financial protection of such type and in such amounts as may be determined by me in writing to be appropriate under the circumstances. Each prime contractor shall provide a statement of applicable financial protection through the cognizant contracting officer for my review and determination. In making this determination, I shall take into account such factors as the availability, cost and terms of private insurance, self-insurance and other proof of financial responsibility and workmen's compensation insurance.

10. When indemnification provisions are included in a prime contract pursuant to the authority of this decision, the cognizant contracting officer shall immediately submit directly to the Contract Adjustment Board a report referencing this decision and containing the information required by NFS 18-50.403-70, Reporting and records requirements.

11. The actual or potential cost, if any, of the actions hereby authorized is impossible to estimate since it is contingent upon the remote possibility of an occurrence and extent of loss resulting from commercial launch activities which malfunction. Such an event may never occur; however, should a major incident occur, millions of dollars of damage could result.

12. I find that this action will facilitate the national defense. In the remote event that commercial ELV launch service activities provided for NASA spacecraft cause damage in excess of insurance maintained by contractors and subcontractors, the resulting excess liability could place the contractors' and subcontractors' continued existence in jeopardy, making those contractors and subcontractors unavailable to continue to provide commercial ELV launch services. I note that for purposes of the Defense Production Act of 1950, the term "national defense" is defined as "programs for . . . space, and directly related activity." (50 U.S.C. App. 2152(d))

July 11, 1990.

RICHARD H. TRULY,
Administrator.

MEMORANDUM DECISION AND APPROVAL UNDER PUBLIC LAW 85-804

This is the authority and approval for a National Aeronautics and Space Administration (hereinafter referred to as NASA) contracting officer to indemnify Halliburton Environmental Technologies, Inc. (hereinafter referred to as HET), with respect to the Underground High Pressure Air Storage Facility Abandonment Project.

1. In 1973 NASA Ames Research Center (hereinafter referred to as ARC) constructed the Underground Air Storage Facility (UASF), consisting of steel oil well casings used as storage vessels for large quantities of high pressure air needed for wind tunnel testing. During operation of the UASF, two significant air leaks occurred, one in 1984, the other in 1985. The last leak, believed to be the result of corrosion in the casings, caused subsurface fracturing, commencement of an artesian flow from a deep aquifer to the surface, and expulsion to the surface of air, water, and mud nearby the site. The UASF was then decommissioned. Groundwater contamination exists in the vicinity of the UASF. Low levels of contamination exist in the shallow aquifers under ARC, characteristic of the local area. In addition, the Middlefield-Ellis-Whisman (hereinafter referred to as MEW) groundwater contaminant plume has been migrating onto ARC and threatens to reach the site of the UASF.

The UASF provides a conduit between deep and shallow aquifers, and as such, creates a possible pathway for contamination to enter the lower aquifer which is a source of drinking water for nearby communities. On April 27, 1989, the Environmental Protection Agency (EPA) notified ARC that ARC was a "Potential Responsible Party" for the MEW site contamination, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (hereinafter referred to as CERCLA). Subsequently, EPA issued a Record of Decision (hereinafter referred to as ROD) for the MEW site, which specified the remedial activities selected for the site cleanup. The ROD included the identification and sealing of any potential conduits that would allow contamination to migrate from the shallow aquifers to the deep aquifer. Allowing contaminants to pass between aquifers may constitute a violation of state and local environmental laws as well as CERCLA.

The services of HET will be employed to seal the UASF. The possibility exists that contamination may still migrate between the aquifers through the UASF even if HET seals the UASF in conformance with contract requirements. In the event that contamination of the deep aquifer does occur, the potential liability resulting from such an occurrence could be substantially in excess of the insurance coverage that HET, as a NASA prime contractor, could reasonably be expected to acquire and maintain, considering the presently available cost and terms and conditions of such insurance.

2. The result of not completely and permanently sealing the UASF is that the contaminant plume and other groundwater contaminants could migrate into the deep aquifer through the UASF site. The extent of actual or potential liability that could result from contamination of the deep aquifer is impossible to precisely estimate, since it is contingent upon the possibility of an occurrence, the extent and severity of the contamination, as well as the extent of environmental and health problems resulting from the contamination leaking through the UASF. Such an event may never occur; however, should contamination nonetheless reach the deep aquifer through the UASF, incalculable damage to public health and safety may occur while actual damage to persons, property, and the environment could total millions of dollars.

3. Based upon this assessment and pursuant to the authority of Public Law 85-804 and Executive Order 10789, as amended, and notwithstanding any other provision of Contract NAS2-13389 with HET, I hereby authorize that HET be held harmless and indemnified against hazardous risks as defined in paragraph four below. This authority permits the cognizant NASA contracting officer to include in Contract NAS2-13389 provisions for the indemnification of HET against claims or losses, as defined in Paragraph 1A of E.O. 10789, as amended, arising out of performance under Contract NAS2-13389. This authority to hold harmless and indemnify shall commence upon award of Contract NAS2-13389.

4. This authorization to indemnify is limited to claims or losses resulting from unusually hazardous risks. Unusually hazardous risks are risks of any injuries, costs, damages, expenses, or other risk resulting in liability (including claims for indemnification or contribution and claims by third parties for death, personal injury, illness, loss of or damage to property, economic loss, natural resource damages, and legal defense costs) that might arise under Federal, state, or local law, common law, or regulation, as a result of any pollutant, contaminant, or hazardous substance located on (or that may yet be placed on or migrate toward) the ARC UASF, including risk resulting in liability that may arise on account of any such pollutant, contaminant, or hazardous substance that may enter, or have already entered, any groundwater, aquifers, or underground sources of water. Except as provided below, the risk includes the risk of liability that might arise in the design, implementation, or conduct of the contractor in the performance of Contract NAS2-13389, including any modification thereto. The risk also includes claims resulting from forces beyond the control of HET and/or its subcontractors at any tier, including, but not limited to, (whether foreseeable or not) risks resulting from earthquakes, underground fractures, droughts, changes in the rate of drawdown of groundwater from the deep aquifer, failure of responsible parties to remove or remediate the sources of contamination, and the failure or refusal of the appropriate governmental agencies to issue any necessary approvals or permits. The risk includes the potential risk of claims by third parties and claims by the United States. The risk includes the risk of claims against HET, its affiliates, or against its subcontractors at any tier. The risk includes claims based on strict liability, negligence, or other sources of liability and may arise out of acts by HET or others. The risk includes claims based on design defects or manufacturing defects and claims based on defects in the design or development of the technical requirements as defined in the statement of work and other related provisions of HET's offer submitted in response to the request for proposal, amendments thereto, and any modifications to this contract.

5. The unusually hazardous risks for which indemnification is authorized are the risks arising under Contract NAS2-13389 which result in claims by third persons, including

employees of the contractor, for death, personal injury, or loss of, damage to, or loss of use of property; loss of, damage to, or loss of use of property of the contractor; loss of, damage to, or loss of use of property of the Government. The risks defined in paragraph four above are considered unusually hazardous because the potential liability resulting therefrom could be in excess of any insurance coverage that HET could be reasonably expected to purchase and maintain. In no other sense are the services provided under Contract NAS2-13389 unusually hazardous.

6. Notwithstanding any other provision in this Memorandum Decision and Approval, indemnification is not provided for any liability that is incurred by HET which is caused by the negligence, gross negligence, or intentional misconduct of HET or its subcontractors at any tier in the performance of the technical requirements of contract NAS2-13389, including any modifications thereto, with the further understanding that to the extent that HET's performance of the technical requirements is in compliance with Contract NAS2-13389, including modifications thereto, that the risk assumption for negligence, gross negligence, or willful misconduct of HET or its subcontractors at any tier shall not apply to HET or its subcontractors at any tier. This limitation on the scope of the indemnification is prescribed in terms of the technical requirements of the contract, since the unusually hazardous risks defined above related to the performance of the technical requirements.

7. The financial protection program to be maintained by HET has been reviewed. A current summary of insurance was submitted by W. Gary Goodson, General Counsel and Corporate Secretary, by letter dated March 13, 1991, and supplemented by letters dated April 5, 1991; April 9, 1991; and April 19, 1991. HET's financial protection program appears to be adequate. This decision and approval is granted on condition that HET maintains this financial protection program with one exception, environmental impairment liability insurance, to cover the Facility Abandonment activity. HET has stated that the premium for a $1 million environmental impairment liability insurance policy is $250,000 with a $100,000 deductible, with an option to purchase one additional year's coverage in the same amount and for the same premium. In my opinion, the amount of the quoted premium is excessive. Based upon the information provided by HET, I hereby authorize the indemnification of HET from the first dollar of liability that may incur arising out of HET's performance of Contract NAS2-13389.

8. Accordingly, the contracting officer is authorized to include in Contract NAS2-13389, and approve for inclusion in subcontracts thereunder, applicable provisions of the Federal Acquisition Regulation (FAR) Part 50.4, NASA FAR Supplement Part 18-50.4, and the definition of unusually hazardous risks from paragraph four above.

9. I find that this action will facilitate the national defense. HET has stated that it will not sign contract NAS2-13389 and seal the UASF unless indemnification under Public Law 85-804 is granted. If the UASF Abandonment Project is not completed expeditiously, the contaminant plume could reach the unsealed UASF and migrate to the deep aquifer. The State of California, in exercising its authority to enforce federal and state environmental laws, could revoke or refuse to renew ARC's operating permits covering, for example, hazardous material storage and hazardous waste generation if it is found that the migration of contaminants through ARC's UASF threatens the quality of the drinking water source. The suspension of operations at ARC would halt the wind tunnel experiments and other activities conducted at ARC in support of the national defense. I note that, for purposes of the Defense Production Act of 1950, the term national defense is defined as "programs for . . . space, and directly related activity." (50 U.S.C. App. 2152(d)).

June 11, 1991.

RICHARD H. TRULY,
Administrator, National Aeronautics and Space Administration.

CONTRACTORS INDEMNIFIED DURING CALENDAR YEAR 1991

Name of contractor: United Technologies Corporation, Pratt & Whitney Government Engine Business, March 29, 1991.

Affected NASA contract(s): NAS8-36801—Development of High Pressure Fuel and Oxygen Alternate Turbopump.

Name of contractor: Halliburton Environmental Technologies, Incorporated, June 11, 1991.

Affected NASA contract(s): NAS2-13389—Underground High Pressure Air Storage Facility Abandonment Project.

Name of contractor: Rockwell International Corporation, September 18, 1991.

Affected NASA contract(s): NAS8-38550—Space Shuttle Integration.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3249. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years; to the Committee on Agriculture.

3250. A letter from the Acting Director, Federal Deposit Insurance Corporation, transmitting a list of property that is covered by the Corporation, pursuant to public Law 101-591, section 10(a)(1) (104 stat. 2939); to the Committee on Banking, Finance and Urban Affairs.

3251. A letter from the Director, Resolution Trust Corporation, transmitting a list of property that is covered by the Corporation, pursuant to Public Law 101-591, section 10(a)(1) (104 stat. 2939); to the Committee on Banking, Finance and Urban Affairs, April 7, 1992.

3252. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend the programs under the Runaway and Homeless Youth Act and the Program for Runaway and Homeless Youth under the Anti-Drug Abuse Act of 1988; to consolidate authorities for programs for runaway and homeless youth; and for other purposes; to the Committee on Education and Labor.

3253. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3254. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

3255. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 92-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3256. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 92-19, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the unexpected and urgent refugee needs of Cambodians and Burmese, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3257. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Lauralee M. Peters, of Virginia, to be Ambassador to the Republic of Sierra Leone, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708, pursuant to 22 U.S.C. 2708; to the Committee on Foreign Affairs.

3259. A letter from the General Counsel, United States Arms Control and Disarmament Agency, transmitting copies of the English and Russian language texts of amendments III and IV to the Memorandum of Agreement Regarding the Implementation of the Verification Provisions of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, also enclosed in an analysis of each amendment; to the Committee on Foreign Affairs.

3260. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report by the NASA Contract Adjustment Board on the indemnification of certain contractors and subcontractors during calendar year 1991, pursuant to 50 U.S.C. 1431-35; to the Committee on Government Operations.

3261. A letter from the Executive Vice-President, Commodity Credit Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1991, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

3262. A letter from the Employee Benefits Manager, Farm Credit Bank of Columbia, transmitting the Farm Credit Bank of Columbia financial statements as of August 31, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3263. A letter from the Secretary of the Interior, transmitting a report on proposals received under the Small Reclamation Projects Act, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

3264. A letter from the Secretary of the Interior, transmitting a report on National Historic Landmarks that have been damaged or to which damage to their integrity is anticipated; to the Committee on Interior and Insular Affairs.

3265. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for 2 years; to the Committee on Merchant Marine and Fisheries.

3266. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for the fiscal year 1991, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

3267. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to delay 1993 pay increases for Federal executive branch civilian officers and employees; to the Committee on Post Office and Civil Service.

3268. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3269. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated March 17, 1992, submitting a report together with accompanying papers and illustrations, pursuant to section 116(h) of the Water Resources Development Act of 1999 (H. Doc. No. 102-286); to the Committee on Public Works and Transportation and ordered to be printed.

3270. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1993 and 1994; to the Committee on Science, Space, and Technology.

3271. A letter from the President and CEO, Resolution Trust Corporation, transmitting the status report for the month of February 1992 (the 1988-89 FSLIC Assistance Agreements), pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

3272. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Water Pollution Control Act, as amended, for 2 years; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

3273. A letter from the Secretary of Energy, transmitting the second annual report on the programs, projects, and joint ventures supported under the act, pursuant to 42 U.S.C. 12006; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4276. A bill to amend the Historic Sites, Buildings, and Antiquities Act to place certain limits on appropriations for projects not specifically authorized by law, and for other purposes. (Rept. 102-480). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3457. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in Pennsylvania and New Jersey as components of the national wild and scenic rivers system; with amendments (Rept. 102-481). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3665. A bill to establish the Little River Canyon National Preserve in the State of Alabama; with an amendment (Rept. 102-482). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 749. An act to rename and expand the boundaries of the Mound City Group National Monument in Ohio (Rept. 102-483). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 420. Resolution providing for the recommittal to conference of S.3, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate elections, campaigns, and for other purposes (Rept. 102-484). Referred to the House Calendar.

Mr. TORRES: Committee of Conference. Conference report on H.R. 3337 (Rept. 102-485). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3837. A bill to make certain changes to improve the administration of the Medicare Program, to reform customs overtime pay practices, to prevent the payment of Federal benefits to deceased individuals, and to require reports on employers with underfunded pension plans; with an amendment (Rept. 102-486, 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. ROSE (for himself, Mr. ROBERTS, Mr. DE LA GARZA, and Mr. COLEMAN of Missouri):

H.R. 4774. A bill to provide flexibility to the Secretary of Agriculture to carryout food assistance programs in certain countries; to the Committee on Agriculture.

By Mr. HAYES of Illinois (for himself, Mr. MCCLOSKEY, Mr. MCNULTY, Mr. HORTON, Ms. NORTON, Mr. GILMAN, Mr. ACKERMAN, and Mr. CLAY):

H.R. 4775. A bill to promote occupational safety and health with respect to employees of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 4776. A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to provide additional authorizations of appropriations; to the Committee on the Judiciary.

By Mr. ANDREWS of Texas:

H.R. 4777. A bill to suspend until January 1, 1995, the duty on 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide and on mixtures of 3,5-Dichloro-N(1,1-dimethyl-2-propynyl)benzamide with application adjuvants; to the Committee on Ways and Means.

By Mr. ARMEY:

H.R. 4778. A bill to provide that rates of pay for Members of Congress may not be increased unless the Federal budget is in balance; to the Committee on House Administration.

By Mr. AUCOIN (for himself, Mr. FRANK of Massachusetts, Mrs. UNSOELD, Mr. COLEMAN of Texas, Mr. PICKLE, Mr. ROGERS, Mr. SPENCE, Mr. KLUG, Mr. BONIOR, Mr. PETERSON of Minnesota, Mr. DE LUGO, Mr. TOWNS, Mr. HUCKABY, Mr. MCCANDLESS, Mr. ATKINS, Mr. NEAL of Massachusetts, Mr. KOLTER, Mr. ZELIFF, Mr. HOCHBRUECKNER, Mr. LEVINE of California, Mr. MOLLOHAN, Mr. HALL of Ohio, Mrs. LLOYD, Mr. CRAMER, Mr. WELDON, Mr. DEFAZIO, Mr. ESPY, Mr. LIPINSKI, Mr. GILMAN, Mr. JEFFERSON, Mr. KENNEDY and Mr. SARPALIUS):

H.R. 4779. A bill to amend title 38, United States Code, to allow the Department of Veterans Affairs to recover from another department or agency of the United States the cost of providing health-care to veterans for nonservice-connected disabilities in the case of veterans who are also beneficiaries of that department or agency; to the Committee on Veterans' Affairs.

By Mr. DORGAN of North Dakota:

H.R. 4780. A bill to suspend until January 1, 1995, the duty on Malathion; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey:

H.R. 4781. A bill to suspend until January 1, 1995, the duty on 4-Picolylchoride Hcl, 2H-indol-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)-1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Ways and Means.

H.R. 4782. A bill to suspend until January 1, 1995, the duty on 4-Picolylchoride Hcl, 2H-indol-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)-1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Ways and Means.

H.R. 4783. A bill to suspend until January 1, 1995, the duty on 4-Picolylchoride Hcl, 2H-indol-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)-1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 4784. A bill entitled the "Department of Agriculture Reorganization Act of 1992"; to the Committee on Agriculture.

By Mr. GUNDERSON:

H.R. 4785. A bill to amend the Solid Waste Disposal Act to define the term "yard waste"; to the Committee on Energy and Commerce.

By Mr. HANSEN:

H.R. 4786. A bill to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver City, UT, as the "Abe Murdock United States Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. HENRY:

H.R. 4787. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement accounts for purposes of starting a new business; to the Committee on Ways and Means.

By Mr. HOYER (for himself and Mr. MCMILLEN of Maryland):

H.R. 4788. A bill to require the District of Columbia to close the Cedar Knoll Facility by January 1, 1993; to the Committee on the District of Columbia.

By Mr. MARKEY (for himself, Mr. BRYANT, and Mr. COOPER):

H.R. 4789. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish and enforce telecommunications network reliability standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself and Mrs. UNSOELD):

H.R. 4790. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption

from the unrelated business income tax of income from the use of the name or logo of sponsors of agricultural fairs, community celebrations, festivals, art events, and expositions and from the sale of the rights to broadcast events thereof; to the Committee on Ways and Means.

By Mr. MCGRATH:

H.R. 4791. A bill to provide for a temporary suspension of duty for certain glass articles; to the Committee on Ways and Means.

By Mrs. MINK (for herself and Mr. ABERCROMBIE):

H.R. 4792. A bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Banking, Finance and Urban Affairs.

By Mr. PAXON:

H.R. 4793. A bill to amend part A of title IV of the Social Security Act and title XIX of such act to discourage persons from moving to a State to obtain greater amounts of aid to families with dependent children or additional medical assistance under State Medicaid plans; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PORTER:

H.R. 4794. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require each item of appropriation in an appropriation measure to be enrolled separately for presentment to the President; jointly, to the Committee on Rules and House Administrations.

By Mr. RAMSTAD:

H.R. 4795. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings, and associated accessories and figurines; to the Committee on Ways and Means.

By Mr. REED:

H.R. 4796. A bill to suspend until January 1, 1995, the duty on certain photo-active compounds used in the manufacture of photo-resistant chemicals; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 4797. A bill to direct the U.S. Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H.R. 4798. A bill relating to the tariff treatment of certain footwear; to the Committee on Ways and Means.

By Mr. SWIFT:

H.R. 4799. A bill relating to customs fees charged with respect to certain commercial truck arrivals in Whatcom County, WA; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 4800. A bill to extend until January 1, 1995, the existing suspension of duty on certain yttrium bearing materials and compounds; to the Committee on Ways and Means.

By Mr. VENTO (by request):

H.R. 4801. A bill to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself, Mr. DORNAN of California, Mr. DUNCAN, Mr. ESPY, Mr. FORD of Tennessee, Mr. FROST, Mr. GORDON, Mr. HARRIS, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. MARTINEZ, Mr., MONTGOMERY, Mr. QUILLEN, Mr. ROYBAL, Mr. SUNDQUIST, Mr. WHITTEN, and Mr. BLILEY):

H.J. Res. 461. Joint resolution designating January 8, 1993, as "Elvis Presley Day"; to the Committee on Post Office and Civil Service.

By Mr. ARMEY:

H.J. Res. 462. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. MOODY:

H.J. Res. 463. Joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H.J. Res. 464. Joint resolution supporting the restoration of democratic government in Peru; to the Committee on Foreign Affairs.

By Mrs. MEYERS of Kansas (for herself, Mr. BROOMFIELD, and Mr. GILMAN):

H. Con. Res. 305. Concurrent resolution commending the people of Albania for their successful democratic election, urging the acceleration of market reforms in Albania, urging the President to expedite the negotiation of a commercial agreement with Albania, and urging an increase of aid to Albania; to the Committee on Foreign Affairs.

By Mr. ARMEY:

H. Res. 421. Resolution amending the Rules of the House of Representatives to reform the legislative process; to the Committee on Rules.

By Mr. GILMAN (for himself, Mr. HALL of Ohio, Mr. EMERSON, Mr. BURTON of Indiana, Mr. DORGAN of North Dakota, Mr. BEREUTER, Mr. WHEAT, Mr. WEISS, Mr. GILCHREST, and Mr. HASTERT):

H. Res. 422. Resolution concerning the crisis in Somalia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

360. By the SPEAKER: Memorial of the Senate of the Commonwealth of Virginia, relative to physical desecration of the American flag; to the Committee on the Judiciary.

361. Also, memorial of the Senate of the Commonwealth of Virginia, relative to combined sewer overflow control; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JONES of North Carolina introduced a bill (H.R. 4802) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Mariposa*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsores were added to public bills and resolutions as follows:

H.R. 25: Mr. BLACKWELL, Mr. CARR, Mr. PETERSON of Florida, and Mr. SYNAR.

H.R. 74: Mr. MACHTLEY.

H.R. 104: Mr. RITTER.

H.R. 187: Mr. STUDDS, Mr. SOLARZ, Ms. DELAURO, and Mr. BLACKWELL.

H.R. 261: Mr. KENNEDY and Mr. SANDERS.

H.R. 299: Mr. JOHNSON of Texas.

H.R. 323: Mr. FASCELL, Mr. BACCHUS, and Mr. JOHNSTON of Florida.

H.R. 330: Mr. CONYERS.

H.R. 501: Mr. BORSKI, Mr. FAZIO Mr. MARKEY, Mr. MARTINEZ, Mr. STARK, Mr. WAXMAN, Mr. PASTOR, Mr. JONTZ, and Mr. COLORADO.

H.R. 544: Mr. ENGEL.

H.R. 682: Mr. LIPINSKI, Mr. MCCANDLESS, and Mr. ZELIFF.

H.R. 722: Mr. LEWIS of Georgia and Mr. GEJDENSON.

H.R. 723: Mr. LEWIS of Georgia, Mr. GEJDENSON, and Mrs. VUCANOVICH.

H.R. 780: Mr. AUCOIN and Mr. MACHTLEY.

H.R. 827: Mr. KOLTER.

H.R. 840: Mr. FORD of Tennessee, Mr. ANTHONY, Mr. THOMAS of Georgia, Mr. HOCHBRUECKNER, Mr. MATSUI, Mr. EDWARDS of Oklahoma, Mr. ROYBAL, Mr. STALLINGS, Mr. MCDERMOTT, and Mr. SHAYS.

H.R. 911: Mr. DORGAN of North Dakota, Mr. COX of Illinois, Mr. STARK, Mr. GEREN of Texas, and Mr. PURSELL.

H.R. 1156: Mr. LOWERY of California, Mr. GALLEGLY, Mr. KOLBE, and Mr. UPTON.

H.R. 1188: Mrs. VUCANOVICH, Mr. HUCKABY, Mr. SENSENBRENNER, and Mr. WILLIAMS.

H.R. 1251: Mr. CARDIN and Mr. ENGEL.

H.R. 1252: Mr. ENGEL.

H.R. 1253: Mr. ENGEL.

H.R. 1389: Mr. SIKORSKI.

H.R. 1414: Mr. EDWARDS of Oklahoma.

H.R. 1472: Mr. ALLEN and Mr. GILMAN.

H.R. 1479: Mr. TAYLOR of North Carolina and Mr. SPENCE.

H.R. 1497: Mr. HUTTO, Mr. MCGRATH, Mr. COLEMAN of Texas, Mr. LAUGHLIN, and Mr. JOHNSON of Texas.

H.R. 1516: Mr. GEKAS, Mr. BAKER, and Mr. HOLLOWAY.

H.R. 1522: Mr. ANDREWS of New Jersey.

H.R. 1703: Mr. CAMPBELL of California.

H.R. 1771: Mr. DARDEN, Mr. DEFAZIO, Mr. DYMALLY, Mr. FLAKE, Mr. GALLEGLY, Mr. WILSON, and Mr. YOUNG of Alaska.

H.R. 1774: Mr. SCHIFF.

H.R. 1790: Mr. GAYDOS.

H.R. 1860: Mr. BARRETT, Mr. HOAGLAND, and Mr. RAY.

H.R. 1969: Ms. NORTON and Mrs. LOWEY of New York.

H.R. 2063: Mrs. SCHROEDER, Mr. GRANDY, and Mr. HOBSON.

H.R. 2492: Mr. HUGHES.

H.R. 2717: Mr. ENGEL.

H.R. 2880: Mr. DICKS.

H.R. 3082: Mr. JEFFERSON, Mr. LEVINE of California, Mr. JONES of North Carolina, Mr. BLAZ, and Mr. DIXON.

H.R. 3258: Mr. ANDREWS of New Jersey, Mrs. MEYERS of Kansas, Mr. GUARINI, Mr. SANDERS, Mr. KOPETSKI, Mr. JEFFERSON, and Mr. KOLTER.

H.R. 3344: Mr. SWETT.

H.R. 3438: Mr. GORDON.

H.R. 3439: Mr. GORDON.

H.R. 3440: Mr. GORDON.

H.R. 3441: Mr. SMITH of Oregon and Mr. GORDON.

H.R. 3442: Mr. GORDON.

H.R. 3459: Mr. SANDERS.

H.R. 3464: Mr. HOLLOWAY, Mr. TAYLOR of North Carolina, and Mr. GUNDERSON.

H.R. 3475: Mr. BERMAN.

H.R. 3476: Mr. MARTINEZ, Mr. BERMAN, and Mr. WEISS.

H.R. 3517: Ms. PELOSI, Mr. SERRANO, Mr. MARKEY, Mr. KOPETSKI, Mr. FOGLIETTA, and Mr. LIPINSKI.

H.R. 3552: Mr. MATSUI.

H.R. 3599: Mr. FRANKS of Connecticut.

H.R. 3603: Mr. FEIGHAN, Mr. PETERSON of Minnesota, Mr. HOCHBRUECKNER, Mr. WILSON, Mr. BROWN, Mr. RAVENEL, Ms. NORTON, Mrs. BOXER, Mr. JONES of Georgia, Mr. MCCLOSKEY, Mr. ANDREWS of Maine, Mr. OBERSTAR, Mr. MARKEY, and Mr. ENGEL.

H.R. 3636: Ms. KAPTUR, Mr. KLUG, Mr. DONNELLY, Mr. COLEMAN of Texas, Mr. VISCLOSKY, Mr. PICKLE, Mr. ROSE, and Mr. FROST.

H.R. 3801: Mr. PERKINS.

H.R. 3812: Mr. WELDON.

H.R. 3841: Mr. HAMMERSCHMIDT, Mr. HAYES of Louisiana, Mr. SWETT, Mr. SOLOMON, Mr. LEWIS of Florida, and Mr. JEFFERSON.

H.R. 3918: Mr. ECKART, Mr. SIKORSKI, AND Mr. MORAN.

H.R. 3956: Mr. MACHTLEY, Ms. NORTON, Ms. KAPTUR, Mr. JONTZ, and Mr. DIXON.

H.R. 3986: Mr. TRAXLER.

H.R. 3989: Mr. BILIRAKIS and Mr. DIXON.

H.R. 3992: Mr. FRANK of Massachusetts, Mr. BILIRAKIS, and Mr. DIXON.

H.R. 4034: Mr. BACCHUS and Mr. JONTZ.

H.R. 4051: Mr. GEKAS.

H.R. 4076: Mr. RICHARDSON.

H.R. 4083: Mr. SCHEUER, Mr. LEWIS of Florida, Mr. ACKERMAN, Mr. HOAGLAND, Mr. CAMPBELL of Colorado and Mr. BARTON of Texas.

H.R. 4093: Mrs. VUCANOVICH.

H.R. 4100: Mr. HEFNER, Mr. MCNULTY, Mr. MFUME, and Mr. ZELIFF.

H.R. 4104: Mr. ATKINS, Mr. DREIER of California and Mr. SOLOMON.

H.R. 4178: Mr. STUDDS, Ms. KAPTUR, Mr. SANDERS, and Mr. WEISS.

H.R. 4206: Mr. RAHALL and Mr. DIXON.

H.R. 4207: Mr. BEREUTER and Mr. SARPALIUS.

H.R. 4227: Mr. BROWN, Mr. OLVER, Mr. ROYBAL, Mr. KOSTMAYER, Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. OWENS of New York, Mr. DEFAZIO, and Mr. PENNY.

H.R. 4234: Mr. EMERSON.

H.R. 4243: Mr. MARTINEZ.

H.R. 4268: Mr. FRANKS of Connecticut and Mr. DREIER of California.

H.R. 4271: Mr. ABERCROMBIE, Mr. OWENS of New York, and Mr. KOSTMAYER.

H.R. 4276: Mr. HOAGLAND.

H.R. 4279: Mr. MCCLOSKEY, Mr. OLIN, Mr. POSHARD, Mr. GILLMOR, and Mr. ANTHONY.

H.R. 4312: Mr. NORTON, Mr. SCHUMER, Mr. OLIN, Mr. RANGEL, Mrs. COLLINS of Michigan, and Mr. FLAKE.

H.R. 4329: Mrs. LOWEY of New York, Mr. BEILENSON, and Mrs. MEYERS of Kansas.

H.R. 4341: Mr. FRANKS of Connecticut.

H.R. 4361: Mr. JEFFERSON.

H.R. 4414: Mr. MCDERMOTT, Mr. WISE, and Mr. JACOBS.

H.R. 4418: Mr. EMERSON, Mr. CRANE, Mr. TANNER, Mr. TOWNS, Mr. SANDERS, Mr. OWENS of New York, Mr. COX of California, Mr. COSTELLO, Mr. HUGHES, and Mr. ZELIFF.

H.R. 4427: Mr. ATKINS and Mr. TOWNS.

H.R. 4430: Mr. SAXTON and Mr. LIVINGSTON.

H.R. 4473: Mr. STARK, Mr. WISE, and Mr. PENNY.

H.R. 4490: Ms. NORTON.

H.R. 4504: Mr. ZIMMER and Mr. MANTON.

H.R. 4530: Mr. MORAN, Mr. PAXON, Mr. MCCLOSKEY, Mr. JONTZ, and Mr. TRAFICANT.

H.R. 4553: Mr. ABERCROMBIE.

H.R. 4572: Ms. KAPTUR.

H.R. 4599: Mr. STOKES, Mrs. LOWEY of New York, and Mr. STARK.

H.R. 4611: Mr. PACKARD, Mr. GOSS, Mr. ROHRABACHER, Mr. LEWIS of Florida, Mr. PAXON, Mr. ZELIFF, Mr. BOEHNER, Mr. ZIMMER, Mr. KOLBE, Mr. PETRI, and Mr. KLUG.

H.R. 4613: Mr. HYDE.

H.R. 4617: Mr. ROHRABACHER, Mr. GOSS, and Mr. CONDIT.

H.R. 4754: Mr. GEREN of Texas.

H.J. Res. 27: Mr. HEFNER.

H.J. Res. 107: Mr. SAXTON.

H.J. Res. 244: Mr. CAMP, Mr. MATSUI, Mr. NATCHER, Mr. ANDREWS of New Jersey, Mr. SOLARZ, Mrs. MEYERS of Kansas, Ms. MOLINARI, Mrs. MINK, Mr. WOLPE, and Mr. MCDADE.

H.J. Res. 271: Mr. SPRATT, Mr. HAYES of Illinois, Mr. TOWNS, Ms. HORN, and Mr. ACKERMAN.

H.J. Res. 351: Mr. KENNEDY and Mr. FOGLIETTA.

H.J. Res. 378: Mr. ANNUNZIO and Mr. FAZIO.

H.J. Res. 388: Mr. SERRANO, Mr. ANDREWS of Texas, Mr. RAMSTAD, Mr. BUSTAMANTE, Mr. POSHARD, Mr. NATCHER, Mr. DICKS, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. BILBRAY, Mr. SAXTON, Mr. WOLF, Mr. DUNCAN, Mr. MILLER of California, and Ms. HORN.

H.J. Res. 396: Mr. GEPHARDT and Mrs. KENNELLY.

H.J. Res. 399: Mr. QUILLEN, Mr. TRAXLER, and Mr. MATSUI.

H.J. Res. 411: Mr. BLILEY, Mr. BOUCHER, Mrs. BOXER, Mr. DIXON, and Mr. BLAZ.

H.J. Res. 425: Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. CLEMENT, Mr. HUCKABY, Mr. SUNDQUIST, Mr. TANNER, Mr. MCCLOSKEY, Mr. HOLLOWAY, Mr. UPTON, Mr. STUDDS, Mr. MOORHEAD, Mr. RICHARDSON, Mr. FIELDS, Mr. OXLEY, Mr. WYDEN, Mr. LENT, Mr. STENHOLM, Mr. JONES of Georgia, Mr. TORRES, Mr. CAMPBELL of Colorado, and Mr. SARPALIUS.

H.J. Res. 433: Mrs. MEYERS of Kansas, Mr. BENNETT, Mr. FAZIO, Mr. GEKAS, Mr. QUILLEN, Mr. LAGOMARSINO, Mr. RAY, Mr. FOGLIETTA, Mr. EMERSON, Mr. FLAKE, Mrs. MORELLA, Mr. CRAMER, Mr. MANTON, Mr. DIXON, Mr. SERRANO, Mr. PAXON, and Mr. BLILEY.

H.J. Res. 440: Mrs. BOXER, Mr. DELLUMS, Mr. DIXON, Mr. ESPY, Mr. EVANS, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HOCHBRUECKNER, Mr. KOSTMAYER, Mr. MACHTLEY, Mr. MOODY, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Mr. PICKLE, Mr. POSHARD, Mr. SANDERS, Mr. SIKORSKI, Mr. TORRES, Mr. TRAFICANT, Mr. TRAXLER, Mr. VENTO, and Mr. WEISS.

H.J. Res. 442: Mr. SHAW, Mr. EMERSON, Mrs. ROUKEMA, Mr. GUARINI, Mr. MATSUI, Mr. LEVIN of Michigan, Mr. RANGEL, Mr. ALEXANDER, Mr. ANDREWS of Maine, Mr. BLILEY, Mr. TRAXLER, and Mr. WEISS.

H.J. Res. 444: Mr. HUGHES, Mr. BEVILL, Mr. ABERCROMBIE, Mr. ESPY, Mr. INHOFE, Mr. WOLF, Mr. ERDREICH, Mr. LEHMAN of Florida, Mr. MCMILLAN of North Carolina, Mr. MATSUI, Ms. SLAUGHTER, Mr. MCNULTY, Mr. MCDERMOTT, Mrs. LLOYD, Mr. DEFAZIO, Mr. KOPETSKI, Mr. SOLARZ, Mr. WALSH, Mr. RINALDO, Mr. POSHARD, Mr. WEISS, Mr. FALEOMAVAEGA, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. LAFALCE, Mr. ROE, Mr. LEVIN of Michigan, Mr. RANGEL, Mr. TALLON, Mr. ALEXANDER, Mr. FAZIO, Ms. HORN, Mr. TRAXLER, and Mr. SMITH of New Jersey.

H.J. Res 459: Mr. LAFALCE, Mr. MACHTLEY, Mr. WALSH, Mr. BLILEY, Mr. DEFAZIO, Mr. RANGEL, Mr. SPRATT, Mr. MCNULTY, Mr. TRAXLER, Mr. DWYER of New Jersey, Mr. SHAYS, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, and Mrs. LOWEY of New York.

H. Con. Res. 89: Mr. ENGEL.

H. Con. Res. 180: Mr. MCMILLEN of Maryland, Mr. TORRES, and Mr. DIXON.

H. Con. Res. 224: Mr. MANTON and Mr. CARPER.

H. Con. Res. 246: Mr. STUDDS, Ms. SLAUGHTER, Mr. ATKINS, Mr. MILLER of California, Mr. SERRANO, Mr. DARDEN, Mr. BLACKWELL, Mr. MINETA, Mr. FAZIO, and Mr. FOGLIETTA.

H. Con. Res. 248: Mrs. MORELLA and Mr. STARK.

H. Con. Res. 282: Mr. ZELIFF, Mr. TRAFICANT, Mr. GEJDENSON, Mr. OLVER, Mr. BARNARD, Mr. MCCLOSKEY, Mr. LENT, Mr. WYDEN, Mr. KOSTMAYER, Mr. MCMILLEN of Maryland, Mr. ANDREWS of Maine, Mr. MCGRATH, Mr. HUGHES, Mr. BERMAN, Mr. MACHTLEY, Mr. STUDDS, Mr. KOPETSKI, Mr. SWETT, Mr. MARKEY, Mr. SCHEUER, Mr. YATRON, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. ACKERMAN, Mr. WALSH, Mr. DOWNEY, Mr. LIPINSKI, Mr. DEFAZIO, Mr. QUILLEN, Ms. KAPTUR, Mrs. MORELLA, Mrs. SCHROEDER, Mr. KILDEE, Mr. WELDON, Mr. POSHARD, Mr. VENTO, Ms. SLAUGHTER, Mr. FOGLIETTA, Mr. ROE, Mr. BROWN, Mrs. BYRON, Mr. MFUME, Mr. ECKART, Mrs. KENNELLY, Mr. GILCHREST, Mr. ATKINS, Ms. HORN, Mr. ROTH, Mr. CHANDLER, Mr. SAXTON, Mr. ESPY, Mr. CARDIN, Mrs. UNSOELD, Mr. SHAYS, Mr. LEVIN of Michigan, Mr. BORSKI, Mr. TRAXLER, Mr. MARTIN, Mr. BOEHLERT, Mr. MILLER of Washington, Mr. RINALDO, Mr. KANJORSKI, Mr. MANTON, Mr. SANDERS, Mr. CAMPBELL of Colorado, Mr. JOHNSON of South Dakota, Mr. ENGEL, Mr. SCHUMER, Mr. HOCHBRUECKNER, Mr. VANDER JAGT, Mr. EVANS, Mr. WOLPE, Mr. OWENS of New York, Mr. MCDERMOTT, Mr. SERRANO, and Mr. OXLEY.

H. Con. Res. 285: Mr. HANCOCK, Mr. HEFLEY, and Mrs. MEYERS of Kansas.

H. Res. 153: Mr. JONES of North Carolina.

H. Res. 234: Ms. OAKAR.

H. Res. 237: Mr. WILSON.

H. Res. 321: Mr. LIPINSKI and Mr. BEILENSON.

H. Res. 332: Mr. GILCHREST.

H. Res. 347: Mr. GILCHREST.

H. Res. 359: Mr. MARTINEZ, Mr. MATSUI, and Mr. DIXON.

H. Res. 372: Mr. JEFFERSON, Mr. GLICKMAN, Mr. CARDIN, and Mr. MARTINEZ.

H. Res. 384: Mr. RANGEL and Mr. PAXON.

H. Res. 385: Mr. LIVINGSTON, Mr. DORNAN of California, Mr. BATEMAN, and Mr. NICHOLS.

SENATE—*Tuesday, April 7, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

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

Let us pray:

Eternal God, Lord of Heaven and Earth, in these emotionally explosive days when there is so much anger, so much misunderstanding, so much frustration, we are grateful for the words of the psalmist:

*O Lord, thou hast searched me, and known me. Thou knowest my downsitting and mine uprising, thou understandest my thought afar off. Thou compassest my path and my lying down, and art acquainted with all my ways. For there is not a word in my tongue, but, lo, O Lord, thou knowest it altogether. * * * How precious also are thy thoughts unto me, O God! how great is the sum of them! If I should count them, they are more in number than the sand: when I awake, I am still with thee.*—Psalm 139:1–4, 17–18.

God of the macrocosm and the microcosm, help us understand that to be without a God reference, a transcendent reality in our lives, we are like a compass without a magnetic north—disoriented, undirected, frustrated.

In His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

U.N. CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the consideration of Senate Concurrent Resolution 89, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 89) to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

The Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with amendments, as follows:

S. CON. RES. 89

Whereas the health and stability of the environment of the Earth are threatened by global climatic change, depletion of the ozone layer, deforestation, the loss of biological diversity, increasing population, disposal of hazardous chemicals, marine pollution, the depletion and contamination of fresh water supplies, and other international environmental problems;

Whereas it is in the interest of the citizens of all nations to encourage environmentally sustainable development policies that allow for the preservation and renewal of natural resources;

Whereas the maintenance of global environmental health requires increased cooperation among nations, including new agreements and policies designed for the achievement of such maintenance;

Whereas the United Nations Conference on Environment and Development (hereinafter referred to as U.N.C.E.D.) will convene in June of 1992 in Rio de Janeiro, Brazil;

Whereas June 1992 is also the 20th anniversary of the United Nations Conference on the Human Environment, held in Stockholm, Sweden, in June 1972;

Whereas U.N.C.E.D. will provide a rare and important opportunity to make progress towards global environmental protection and sustainable development;

Whereas this Nation has sufficient power and influence to play a major role in determining the success or failure of U.N.C.E.D.;

Whereas the well-being of present and future generations of this Nation depends on the preservation of a healthy and stable world environment; and

Whereas World Environment Day will be observed during the United Nations Conference on Environment and Development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(a) the President should:

(1) play a strong and active role in cooperating with other governments to prepare for a successful United Nations Conference on Environment and Development (hereinafter referred to as U.N.C.E.D.);

(2) seek to developing specific and effective international agreements to enhance global environmental protection and encourage the use of sustainable development practices for signature at U.N.C.E.D.;

(3) support an international convention to reduce the threat of global climatic change;

(4) support the development of a global strategy and action plan to conserve the biological diversity of plant and animal species;

(5) support principles of forestry that reduce the rate of global deforestation, increase worldwide forest cover, and provide for the international protection, growth, and sustainable use of mature forests;

(6) support policies and agreements aimed at encouraging the development of renewable sources energy and energy-efficient technology and give priority to developing more efficient transportation systems;

(7) support the implementation of the Montreal Guidelines for Protection of Marine Environment Against Pollution from Land-Based Sources;

(8) support national and international programs to ensure the efficient and equitable use of fresh water resources and give priority to the promotion of water conservation and demand management programs;

(9) support the acceleration of international efforts to reduce the emission of chemicals that deplete the ozone layer and ultimately phase out the use of such chemicals;

(10) support efforts to strengthen the Basel Convention on the Control of Transboundary Shipments of Hazardous Wastes and Their Disposal (as offered for signature on March 23, 1991);

(11) support measures for financing U.N.C.E.D. agenda initiatives that integrate environmental projects and considerations with comprehensive developmental goals and meet the concerns of developing countries;

(12) support new multilateral measures to provide assistance for global environmental protection activities (including appropriate grants, loans, technical assistance, training, and scientific research activities) in developing countries;

(13) support a process for consultation, on an international basis, that would bring together appropriate governmental officials and officials of multinational institutions for the purpose of identifying methods of conserving natural resources and reducing the debt burden of developing countries;

(14) support initiatives to strengthen the ability of the United Nations and agencies of such organization to assist the world community in developing and implementing agreements that serve the goals of U.N.C.E.D;

(15) support the development of a reform system of national accounting that reflects full environmental costs;

(16) support the international recognition of the right of the general public to be informed of, and participate in, decision making that affects the environment and the use of natural resources; and

(17) issue a proclamation recognizing June 5, 1992 as "World Environment Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

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

(b) the President should not support any action or undertake any commitment pursuant to section (a) which he believes would have an adverse effect on the competitiveness of American industry or that would result in a net long-term loss of American jobs.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. WALLOP. Mr. President, in June the U.N. Earth summit will convene in Brazil. So much has been said on the climate change negotiations that we have lost sight of the fact that the Earth summit is the principal conference.

UNCED is an international political conference aimed at formulating a set of principles on sustainable economic development. The concept of sustainable development is finding the means to raise the standard of living of rich and poor nations alike consistent with a set of principles on international environmental issues.

The UNCED negotiation was to be completed by now. However, last week in New York the approximately 150 member nations of the United Nations have been unable to reach agreement on just the nonbinding principles. So, the June conference which was to ratify all completed documents appears to be in a state of chaos at the moment.

In a separate track, Mr. President, I might note that the state of chaos is not, as some would have it, the fault of the United States. This is a chaos that has developed amongst the disagreements between the so-called Third World countries, the poverty nations, the emerging economic nations, and the economic nations. There is not a consensus on the economic principles, so that one might be cautious in saying that, one, the real summit is nothing but an environmental summit because it is principally an economic summit.

On a separate track the Intergovernmental Negotiating Committee established by the U.N. General Assembly is negotiating a climate convention. I emphasize again, on a separate track.

The INC negotiations on climate change is a legal process which is intended to produce a legally binding treaty. For some time the scientific community has warned of the potential for human induced global climate change. In the 1970's their concern was for global cooling, with the 1980's the scientific community expressed concern for man's potential to induce global warming. Through both Government and nongovernment activities, the United States has invested heavily in scientific research to understand the climate change phenomenon and its consequences.

Sound science, not science driven by a political agenda, must provide the cornerstone for a sound response to the potential for climate change. Through the IPCC process a consensus has been reached by a broad range of scientists on the state of current knowledge. However, precise evaluations of the impacts of climate change are not likely to be available until after the turn of the century.

Perhaps the most distressing aspect of the negotiations on global climate change is the assumption that the so-called greenhouse effect is a scientifically verified phenomenon which will devastate the Earth over the next 100 years. Many scientists have questioned the hysteria being generated by some organizations about global warming. Many may recall that alarms were sounded back in the late seventies about the new ice age which would result from carbon dioxide buildup in the atmosphere. That theory was quickly discredited, so now we have the global warming alarm which is also based on incomplete evidence.

The Chair may recall that in 1979, the winter was so cold, the Nation was running short of natural gas, and that the National Academy of Sciences issued a statement to say that it is far from premature to predict the coming of the new ice age.

While the best estimates by scientists is that increased concentrations of greenhouse gases are likely to cause changes in atmospheric and oceanic temperatures and circulation, the scientific community cannot yet establish that such changes have already occurred. Scientists also cannot provide with much certainty the rate and regional details of such changes. The potential impacts of such changes are likely to vary considerably, with particular risks for drought-prone areas, agriculture, coastal zones and natural ecosystems. But despite these uncertainties, other countries are asking us to commit to stabilization of carbon dioxide. Yet many of them consider it an intrusion on their sovereignty if we were to ask for similar commitments from their country.

When the INC process began it was envisioned that the treaty would be on climate change and would consider all greenhouse gases, such as carbon dioxide, methane, ozone, and CFC's. Yet now we are being informed that the proposal is to treat only CO_2. What started out as a treaty on an environmental issue is now an attempt by developing countries to dictate the energy policies of developed nations.

Even if the climate change treaty were to be limited to carbon dioxide, it would not apply—I will say again, it would not to the developing countries. By the year 2025, the contributions of different countries will shift from the developed, freemarket countries to those countries with economies in transition.

Over the longer term, countries other than the Western industrialized countries are projected to become the largest sources of greenhouse gases. If the community of nations is truly concerned for addressing global climate change, then we need an approach that provides a role for all nations in its solution. Global problems require global responses. However, neither current economics nor environmental analysis can accurately predict either the costs or the benefits of acting on the basis of current knowledge.

The United States is not the only country that is concerned about rigid, quantitative timetables to reduce or stabilize CO_2. At one extreme are those countries which favor a broad approach to climate change that addresses all sources, not just energy sources, and sinks of greenhouse gases, such as forests. On the other extreme are those countries which support explicit, binding targets and timetables for CO_2 alone.

If the phenomenon of climate change is real, the challenge will be to find an approach that addresses all sources and sinks of greenhouse gases. Under such an approach, all countries should share that burden. There needs to be a broader adoption of cost-effective measures to control greenhouse gases.

Mr. President, if one were to agree as I do not, that global warming is occurring, it makes no sense to restrict carbon dioxide emissions in the countries with a slow or even static rate of growth, but allow a massive increase elsewhere. This is illogical.

Unlike for CFC's which are totally man-made and are produced in a finite number of facilities, CO_2 has both natural and man-made sources and sinks across many economic sectors. Unlike CFC's, CO_2 and other greenhouse gases depend on factors beyond our control, such as economic growth and the relative prices of fuels.

Nevertheless, Mr. President, we are being pushed into confirming that which is in dispute through the Global Climate Change Convention. Both the Group of 77 and some OECD nations are pushing for mandatory caps on carbon dioxide emissions. Since carbon dioxide is part of the natural life cycle, there are a limited number of targets for restriction emissions. The negotiations have focused on industrial and transportation restrictions in the developed nations. This is not a very subtle attempt to allow an international body, controlled by the Group of 77, to dictate to the United States our future economic growth. If our economic growth is curtailed, where will we generate the revenues to fund the G–77 environmental fund?

While the United States would be subject to mandatory restrictions on

our carbon dioxide emissions, the Group of 77 also insist that they be allowed to continue to expand their emissions.

The United States negotiators are under much pressure, not just from the Group of 77, not just for the European Community and the Japanese, but also from Members of Congress, to capitulate to these two demands for a mandatory fund and mandatory caps. Our negotiators have taken a much more sensible and workable position.

First, environmental development funds should be provided through existing multilateral financial organizations, such as the GEF, and be based on voluntary contributions. Second, to reduce carbon dioxide emissions, we need real measures that actually work, rather than artificial, mandated caps. For instance, the enactment of the National Energy Security Act, S. 2166, will reduce America's carbon dioxide emissions. We do not need a cap that will be selectively enforced by the Group of 77.

Developing countries are advocating that the industrialized nations give a political signal that they are prepared to take action with regard to their emissions of greenhouse gases, in particular CO_2. However, these same developing countries also need to provide a political signal that they intend to mitigate the environmental effects of their planned economic development. The real issue is how to achieve a global response to this global problem.

We need a process that encourages all countries to assess where they are and move forward together. One country alone, and I say that again, Mr. President, so the Senate can hear it, one country alone cannot change the upward trend of emissions. The United States already is taking actions to reduce or stabilize its greenhouse gas emissions.

For the last 50 years, the United States has served as the economic engine for the world's economy and global security. Many areas of the world have benefited from the United States' economic prosperity. For decades, the United States has led the world in developing ways to protect the environment while pursuing sound economic growth. Our efforts to internalize the costs of environmental degradation deserve praise, rather than condemnation.

The issue of climate change challenges developing countries as well as industrialized countries to rethink how to grow economically in an environmentally sound way. Industrialized and developing countries alike have a stake in sustainable economic development. Each nation must take action appropriate to their respective national capacities.

What the advocates of stabilization do not tell you is that neither we nor the Europeans can sustain stabilization if we must rely on current technologies.

Preventative actions can provide us with the necessary time to expand our knowledge of the causes and effects of climate change. Emissions from sources can be reduced, for example, through energy conservation and improvements in agricultural practices. Greenhouse gas sinks can be enhanced through changes in land use patterns, principally through new agricultural techniques and through afforestation and reforestation. In addition, there are global adaptive alternatives.

But, Mr. President, let me go back and say again what the summit is. The fact that the Earth summit is just one of the areas of attention, that it is an international political conference, primarily designed to affect the sustained development and to raise the standard of living in rich and poor nations alike, it is not and has not ever been just an environmental conference, Mr. President, and I think it is a mistake and a misstatement to make people believe that the only thing that will be going on in Rio is a conference on the environment.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Mr. President, I ask unanimous consent, if it is all right with my colleague, that we change the time, since we will be accepting the amendments and we have worked out the process here, there will not be a need to have a specific time for debate on amendments. So I ask unanimous consent that we maintain the time as allotted but simply place all time for debate on the resolution itself with the vote to occur at the same time it was originally to occur.

Mr. WALLOP. Reserving the right to object and I shall not object, I just want to make certain that in there we save time to offer those three amendments and have them accepted.

Mr. KERRY. Mr. President, that is understood. We will make certain that happens.

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

Mr. KERRY. Mr. President, before I yield time to the Senator from Tennessee, I would like to say a few words about this resolution which I have sponsored, together with a number of colleagues.

This environmental conference, which is known as the Earth summit to be held in Rio this June, is an extraordinary opportunity. It is the most important opportunity for paving a new path with respect to international environmental cooperation that the United States has had since the Stockholm Conference of 1972, 20 years ago. In the course of that 20 years, we have learned a remarkable amount about all of the various environmental problems that we face on this planet, ranging from ocean pollution, desertification, deforestation, global climate change, ozone depletion, and population problems.

I think it is safe to say that those who have been watching the development of these environmental issues would feel that never in history have so many environmental issues begged for so much attention with such clarity as they do today.

A number of years ago, the President of the United States suggested that he wanted to be known as the environmental President, and here is an extraordinary opportunity to be exactly that, to define himself and to help define leadership for the world.

As I know my colleague from Tennessee will point out, 160 nations have been struggling for 5 weeks in preparatory meetings for the Rio Conference, struggling to overcome the many competing self-interests that always come into play during this kind of multilateral effort. Significantly, the one Nation that could provide the greatest amount of leadership, us, the United States of America, is the one Nation that has really been holding back this process.

Now, I know you can point easily to cosmetic motions that are made and to the efforts of Assistant Secretary Bohlen and others that I think are genuine to make things happen, but they are hampered by the lack of leadership, by a President who simply is not present on this issue and does not recognize the enormity of the choices we face with respect to environmental issues internationally.

This is an extraordinary moment. It is a chance to design a strategy, not necessarily a whole set of mandatory requirements, certainly not a challenge to our sovereignty, but a strategy, an international understanding about to begin to approach many of these issues. It is a way of defining a strategy that will encourage economic growth, using methods and means that will preserve and enhance the environment.

The concept of sustainable growth is the concept that has emerged prior to this conference but, I am glad, to say is the emerging standard from the preparatory meetings. It is one that we really ought to take seriously, and we need to question our own national standards of simply consuming natural resources and ultimately reducing our capacity for future growth.

The conference in Rio offers us an opportunity to choose between short-term greed and the long-term need of the planet, between thoughtlessness and discipline, between caring only about ourselves and our responsibility to the next generation.

Like many others, I am frankly, puzzled and disappointed by the administration's failure to exercise the kind of strong leadership for which this resolution calls. Instead of approaching the conference as an opportunity to make

great progress, the administration has literally been treating it like an ordeal that has to be endured, and instead of taking the lead, we are, as I said, following, and I would say distantly following, the lead of others.

Dozens of world leaders are expected to gather in Rio, but the President of the United States has not yet committed to go. He said this past week that running for the Presidency may keep him home.

Mr. President, it is really hard to understand how the somewhat tattered campaign of Pat Buchanan could really take precedence over the concerns of the planet that I and others will define this morning and that have been so defined for us over the course of these last years. It seems to me that if you have a true commitment to the environment and you understand the enormity of the choices that we face right now, a week in Rio, a few days in Rio, would be worth months on the campaign trail. It would, in fact, be one of the first substantive things that we have seen in the context of an environmental Presidency and would do more to add substance to a Presidency lacking in substance, more to add an agenda to a Presidency lacking an agenda than anything else I could think of.

I believe the real reason the President is reluctant to go is that the administration really has not had anything seriously to say about the environment either domestically or internationally in 3½ years. The symbols have been there, some tree plantings, the Department of Environment proposals, and some photo opportunities at the Grand Canyon and elsewhere. But the reality is when we had to negotiate the details of the Clean Air Act, when we had to press for water treatment facilities and other things, the administration has been absent without leave.

Mr. President, I think it is important when contemplating the administration's policies to remember this is not a penny-ante political debate. It is a rare and real historic opportunity. We are talking about the long-term ability of the atmosphere of this planet to sustain human life. We are talking about stopping the destruction of habitat that is now causing species to become extinct faster than at any time since the Ice Age. We are talking about the preservation and sound management of forest resources that are today disappearing at the rate of 54 acres a minute around the world. We are talking about the need for a partnership, about a whole new definition of the relationship between ourselves and developing nations, between rich and poor, between industrialized and not yet industrialized, in order to provide a sustainable agriculture and sound water policy and energy conservation policy and for the development of renewable fuels.

I will have more to say on this as we proceed. There are few Senators who have added as much to this debate, or who have been as significant in their leadership as the Senator from Tennessee, whose book has recently added greatly to the quality of our understanding of this issue. He is going to be the leader of the delegation that will go to Rio on behalf of the Senate in order to try to both monitor and assist in the process, and I personally am grateful for his leadership and applaud the very significant contribution he has made to this debate.

I will yield 25 minutes at this time and more, if he needs it, to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

May I begin by expressing my gratitude to my colleague, the Senator from Massachusetts, for his leadership on this issue and for bringing this resolution to the Senate. I have enjoyed working with my colleague from Massachusetts on this issue for a number of years now. Indeed, we worked together on the Interparliamentary Conference on the Global Environment which the Senate sponsored 2 years ago, on the issue of whether or not the world would adopt a treaty protecting Antarctica, and on a number of other issues. I applaud and appreciate his leadership.

May I also compliment the Foreign Relations Committee for bringing this forward, and also the Senator from Wyoming [Mr. WALLOP] whose amendments will be accepted and will, in the process, make it possible to secure an even larger majority in favor of this resolution, although I find myself, of course, in disagreement with some of the viewpoints expressed by the Senator from Wyoming.

I appreciate the fact that in his statement this morning he acknowledged a world scientific consensus has in fact emerged on the likely consequences of continued accumulation of greenhouse gases in the atmosphere. I believe that the international consensus extends much farther than that. But I recognize and appreciate the significance of what the Senator from Wyoming did say in that part of his statement.

I encourage my colleagues on both sides of the aisle to support this resolution.

May I say from the Democratic side of the aisle, Mr. President, that President Bush is not likely to be criticized for the fact of making a trip to Rio de Janeiro.

Why do I say that? Because he has been criticized for making foreign trips. And lest any political advisers in the White House worry that Democrats would seize the occasion of a trip by President Bush to the Earth summit as an opportunity to criticize him for leaving our shores to go to a meeting in a foreign country, I would see it as rank demagoguery to criticize the President for the fact of making that trip.

I hope that his political advisers understand that this is one trip he should make. A criticism of his positions on the issues at play in the debate is another matter. But President Bush should go to the Earth summit.

I have even privately told his political advisers, in numerous one-on-one meetings with every one of them I could seek out to tell, that the President faces political catastrophe if he is the only leader of a major nation in the entire world who refuses to go to the Earth summit.

I do not worry about the political damage to the President. I would like to see somebody else elected this fall. But if he is isolated and becomes the only world leader who refuses to go to the Earth summit, that hurts our country. That embarrasses not just him as President, not just him as an individual; it would embarrass our country, and it would hurt our national interest severely because a new political consensus in the world is emerging.

The effort to save the global environment must become the central organizing principle in the post-cold war world; and, yes, that must be focused on sustainable economic development and efforts to find ways to continue economic progress without the environmental destruction which has in the past accompanied much in economic development.

If that consensus emerges, as it will—and the meeting in Rio is a big part of that process—if it emerges with the United States isolated outside the circle of agreement, that hurts our national interest. We should be leading the world. Our ideas are ascendant in the world: Economic freedom, self-government.

Now, as the world turns to this new agenda, the United States should be at the forefront. It is very difficult for us to play that role if every leader in the entire world is meeting at the Earth summit, but the President of the United States is stonewalling the Earth summit.

So let me just say that a strong, bipartisan vote in favor of this resolution will, I hope, make it easier for President Bush and his advisers to understand why it is in his interest, and more importantly, in the interest of the United States of America, for him to attend the Earth summit.

Let me turn to some of the issues that are being discussed in conjunction with the Earth summit, and talk about why I believe the President must change our policies in order to make the Earth summit a success, and in that way as well make it possible for him to attend the Earth summit.

There really are three negotiations going on simultaneously. The first one and the main one is the negotiation on the U.N. Conference on Environment and Development. That negotiation is aimed at producing a statement of principles which has been called the Earth Charter, which may now be called by another name, the Rio Declaration. But it attempts to define this new commitment by all the nations of the world to protecting the Earth's environment and making a sustainable economic development possible.

Second, they are attempting to negotiate a document called Agenda No. 21, a nonbinding statement of all the measures which ought to be undertaken in order to achieve the goals outlined in this Earth Charter.

Then, as part of that same first negotiation, there has been an effort to get agreement on a statement of principles with respect to forests and a statement of principles with respect to the protection of the oceans, principally the coastal areas of the oceans. Those negotiations have been underway in a series of preparatory meetings, the last of which concluded in New York City at the United Nations.

The other two negotiations, as my colleague from Wyoming said earlier, are technically separate from the UNCED negotiations. They are aimed at two binding treaties that are scheduled to be signed at the Earth summit. The most important of these two treaties is on climate change; the other is on the protection of biodiversity.

Even though these treaties are separate, partly because they are scheduled to be signed at the Earth summit, they have been linked to the UNCED negotiations, and they have been explicitly linked to the UNCED negotiations by some of the developing countries who have said if the industrial nations, including the United States, refuse to accept binding commitments on limiting greenhouse gas emissions, then we, the developing nations, are not going to agree to a statement of principles on forests, or other language in the UNCED negotiations.

So the three discussions are proceeding in tandem.

That all makes this resolution today quite significant for the success of the historic undertaking in Brazil which has, after all, been years in the making. The opening ceremonies will coincide with the 20th anniversary of the 1972 U.N. Conference on Environmental Development, which was held in Stockholm.

The resolution itself that we are debating here speaks directly to our future, to our way of life, to the world we leave our children, and to our ability to continue a process of international negotiations and agreements to protect the global environment, and confront the global ecological crisis now before us.

This resolution is about more than simply having the President show up at Rio and shake hands. It talks in its language about the kinds of agreements we should be pursuing at the Earth summit, because the Earth summit is a rare opportunity for meaningful change.

This resolution is about reaping a rich harvest from years of scientific study, diplomatic talks, and careful negotiations, a harvest of international agreements to protect the global environment. And it is about a process that will allow progress to continue well beyond the Earth summit.

This is not a moment we can reschedule or postpone, nor is it an event we can simply drop by and pay our respects.

President Bush is the only major world leader who has as yet refused to agree to go to the Earth summit. I think that, in itself, is embarrassing, and I hope that when this resolution passes, the President will hear it as a message from the Senate that it is time he makes up his mind, makes his reservations, and makes a difference.

The President's coin is on the Earth summit. I think it is most unfortunate, and should enrage every American concerned about the future of the global environment, every person concerned about the world that we will leave to our children. His coin is not especially surprising, because on this urgent and important conference on negotiations for the historic ground-breaking agreements that should be signed there, President Bush has been about as helpful as a rock blocking the road, and as consistent. His stubborn, shortsighted, intransigent policy has threatened the success of the entire conference.

Another point on which I agreed with some statements by my friend, the Senator from Wyoming, this morning, is that the negotiations there are in an uproar now. I think the positions taken by our negotiators at the request, at the order, of the President, is the principal reason for that, although I agree that there are other nations which have also taken unhelpful positions that have led to a lack of progress in the negotiations.

But we ought to be leading that process, and President Bush ought to be leading that process. Every time the world has confronted a difficult global challenge, the world has turned to the United States of America for leadership; and they have turned to the United States of America for leadership on this question, but President Bush has, instead, stonewalled the process. He has ordered our negotiators to reject any mention of targets and timetables for controlling greenhouse gas emissions.

Every other country in the world, perhaps with the exception of Saudi Arabia—and there is some question about Turkey's position—every other major industrial country has supported targets and timetables. President Bush says, "No, why should we have targets and timetables?" Well, it is the only way to establish a standard that we can work toward. The targeted timetable under negotiation is to stabilize CO_2 levels at the 1990 level by the year 2000. Our target would be a level of emissions far, far larger than that of any other nation, because the 1990 levels referred to are the levels for each individual country. So there is a tremendous amount of variation and flexibility built into the language of that target and timetable.

I think that is unfortunate that the President is opposed to it. He is exhibiting no courage, no vision, no leadership. Instead, he has allowed lowered expectations and shrinking hopes. At this moment, at end of the final preparatory meeting before the Earth summit, we were supposed to have completed the Earth Charter, the Agenda 21 Action Plan Agreements on Climate Change, biodiversity, forests, and oceans.

The climate change agreement was to have been completed even before the final preparatory meeting began. It was not. U.S. negotiators ensured that. The biodiversity talks have broken down. The deforestation agreement has been so watered down that Canada and New Zealand, and others, have said it is not even worth submitting to their ministers for approval; it means too little now. But we cannot even get agreement on this watered down version. Agenda 21 remains unfinished, and the Rio Declaration—Sunday's newspapers heralded the last-minute agreement that saved this declaration. That was, unfortunately, a little unintentionally misleading, because, actually, the only agreement was to adopt it as a chairman's text, a working draft to save face.

I do not quarrel with the decision by the chairman of the plenary, Tommy Ko, of Singapore, to ask for agreement of the text as a chairman's text. It was the only thing that could be done at that point. But the negotiations, even on that statement of principles, must continue, because the United States was the first with its delegation's hand up to say: Stop, we do not even agree to this; until the compromise is arrived at, make it a chairman's text. You do not have to agree to it. We will continue the talks. So nothing has been agreed to.

Instead of the United States offering leadership to help the world arrive at a consensus on how to grapple with these questions, we have been blocking progress. The negotiations are in overtime. The opening days of the conference, instead of being the occasion to celebrate new meaningful agreements, will continue the negotiations on watered down versions of those potential agreements.

President Bush could have made a difference, and in this critical overtime period, he still can. But only if he gets off the bench, gets in the game, and learns to move the ball down the field, instead of just blocking any movement. Given the administration's performance at these negotiations, it is surprising perhaps that we have even gotten this far.

In the early morning hours on Saturday, the Rio declaration was only barely rescued from the brink of disaster. The survival of this document is testimony to the tenacity and resolve of the world community to see this process through, despite the enormous hurdles that have been put in place by the Bush administration. Throughout the preparatory process, the administration tried desperately to marginalize the document. Indeed our negotiators argued that it should be nothing more than a short lyrical statement, something suitable to write on a child's poster. And our heavy editing is still very evident in some of its passages.

We are fortunate that, in this instance, the conference as a whole was able to move beyond the President's intransigence. But we cannot rest easy. The truth is that the real success of the Earth summit is still very much in grave danger. To date, President Bush has refused to even put the conference on his calendar. As I mentioned earlier, he is the only leader in the industrialized world who has refused to do so.

In the process, he is jeopardizing the years of work that have been invested to build this international process of cooperation and negotiation. His refusal to recognize the importance of the Earth summit, and his evident willingness to try to undermine its significance has become an international embarrassment. The President also threatens to undermine the conference by instructing his representatives to the preparatory meetings to block meaningful agreement on nearly every issue under discussion in the talks.

As the rest of the world has struggled in earnest to grapple with the most serious environmental crisis the world has ever faced, the President is determined to weaken, marginalize, or completely block progress. Considering the key issues before the Earth summit and the groundbreaking agreements that have been under discussion for years, that is a great disservice to our people.

Let me go through them briefly. On climate change, we are again the sole hold out. Every industrialized country in the world, except the United States—and we are the largest contributor to the problem—has resolved to take forceful action to combat this problem. Japan, the entire European Community, Canada, Australia, and New Zealand, all have resolved to stabilize their emissions of carbon dioxide, and some, such as Germany, have gone even further and have pledged to substantially cut their emissions from 1990 levels. We have refused to consider any meaningful action, and that stubbornness threatens to bring the whole process down.

Japan, the United Kingdom, and the European Community as a whole, appreciating the gravity of the situation, have all made appeals to President Bush, and have taken great strides to address concerns raised by his representatives. Nothing has worked. It is clear now that nothing will work. The Bush administration refuses to take action, and it is this issue of climate change that is at the heart of the possibility of agreement at the Earth summit.

The other nations of the world who have tried and failed to remove the obstacles that President Bush put in the path of progress are now sharply criticizing the White House. These nations understand that if the climate change agreement crumbles, the Earth summit becomes hollow, and the hope for a lasting process of agreements and negotiations fails. They understand what the American people are beginning to understand: If there is no climate change agreement, if the Earth summit fails, it is President Bush who will have to explain why, because it is President Bush who will have been the principal reason for the failure. There is still time to avoid it, and I hope that he will take action to avoid it.

On the forest agreement, again, there is similarly empty news. Unfortunately, around the world we lose between 1 and 1½ acres of forest every second. With this loss, plant and animal species are disappearing from the face of the Earth at a rate that is 1,000 times faster than at any point in the previous 65 million years.

The Bush administration response—well, initially the response was, sure, forests should be protected, someone else's forest. They were willing to have language that was addressed to tropical forests, but not the kind of forests that are in the United States. Claiming to take the lead on the issue, the administration really attempted to place responsibility completely on the developing countries.

Our negotiators have since conceded that all forests should be included. However, we made this concession only after the terms of the agreement had been completely eviscerated. Indeed the so-called statement of principles is so weak that it means very little now, unless it can be strengthened.

The President's determination to undermine the Earth summit has been most evident in the recent move by our negotiators to delete from the documents any reference to the implementation of the Earth summit. After years of negotiations and intense deliberation to craft strategies to deal with the environmental problems we face, the administration would have them amount to just so much paper, nice words and nice declaration, never to be implemented by anyone.

What can account for the administration's determination to completely obstruct this process? I think the answer is apparent. The President simply has no vision beyond the immediate requirements to get through the next primary and the November election, no economic plan. Well, no problem. He thinks trashing the environment is the answer to surviving the recession. Worried about growing isolationism preached by Pat Buchanan. Well, no problem. Feed the fear with irresponsible opposition to international cooperation. Scared that friends and large corporations are losing interest. No problem, amplify the new skeptics who are still blind to the threat of climate change and ignore the issue.

At the Bush White House there is absolutely no recognition of a environmental crisis with severe implications beyond his term in office, beyond our lifetimes. There is no recognition of the responsibility of leadership to this generation and to everyone that will follow, to our children and grandchildren and their children and grandchildren.

This is about far more than winning friends and winning primaries, it is about far more than satisfying special-interest friends and big corporations. This is even about more than simply getting on Air Force One and heading south. This is not a drop by.

The President should go to Rio and make a real commitment to the Earth summit. The President should exert the leadership that only the United States can provide in order to jump start a process stalled by self interested bickering that to date the United States, by its actions, has encouraged. We are in overtime, the deadlines we could push back, we have pushed back, the deadlines we could ignore, we have ignored. But we are running out of time. The sense that there is no deadline that cannot be postponed or ignored must be replaced by a new sense of urgency and new dedication to action.

Mr. President, I urge my colleagues to support this resolution and in doing so to support the efforts of people all around the world who recognize what President Bush will not; the global ecological crisis we face demands specific and immediate action by the nations of the world working together to protect our common future.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Wyoming.

Mr. WALLOP. Mr. President, before the Senator from Tennessee leaves, I want to correct something that he said. He perhaps misunderstood me, but I did not say that there was scientific consensus on the fact of in-

crease in temperature, global warming. The sentence I read, the best estimate by scientists, the IPPC, is that increased concentration of gases are likely to cause changes in atmospheric and oceanic temperatures and circulation. There is not in that group any consensus that cannot, at least so far as they have been able to report, provide any established view that such changes have occurred and second, there is absolutely zero, consensus on the consequences of atmospheric change.

Mr. GORE. Mr. President, will the Senator yield? I do not want to use his time.

Mr. WALLOP. I am making a statement and would invite a question or response to that without losing my right to the floor.

Mr. GORE. I appreciate that. First of all on the narrow point, I believe that if the Senator will check the record I tried to be careful in quoting what the Senator said because I knew it would cause him some discomfort for me to be in agreement with his statement about the issue. And I did try to say that I believe the consensus in the scientific community worldwide goes significantly beyond what the Senator believes. But in his initial statement he did say that there is a worldwide consensus on the likely effect of increasing greenhouse gas emissions in the atmosphere causing warming.

I did not speak to the issue. The Senator agrees that warming has already occurred as a result of greenhouse gas emissions. Those are two separate issues. Nor did I speak to the question of consequences for societies and for civilization as a whole, as a result of the warming. But I was attempting to compliment my colleague for the narrow basis of agreement on that one principle.

Indeed, the IPCC, the international scientific community, has said that continued increases of greenhouse gases will lead to warming. They group their conclusion into three categories, the top category of which was, of this we are certain. And in that category they said if we continue accumulating greenhouse gases in the atmosphere, we are certain that it will lead to warming and climate change.

I have more to say about this, and would welcome the opportunity to do so. If now is the appropriate time, may I ask unanimous consent, since the manager of the bill now is obligated to be in the chair, that I may have an additional 56 minutes of our time to address this point?

Mr. WALLOP. Mr. President, if I may, I yielded for a response to that one thing. I will not be long in my response.

Mr. GORE. I am happy to do it later. Surely.

Mr. WALLOP. Mr. President, the Senator from Tennessee implies that the United States is a slugabed, a slaggard, environmentally insensitive, that the President in particular is that.

I have to disagree. The fact is that America, the United States is by far the world's leader in environmental protection. No other country has done as much as we have. I would point out that we have adopted the Montreal protocol, which calls for the elimination of CFC's, 10 percent of the greenhouse gases. We have passed the Clean Air Act. We have striven to pass, and still, I believe, will pass the Energy Security Act which reduces CO_2's substantially, accounting for about 50 percent of greenhouse gases.

When the Senator speaks that every other country has embraced targets and timetables, that is just not the case, Mr. President. They have all had some little qualification that they have added onto it. The Japanese have said that their commitment is based on population increases. Population increases, their commitment increases to a higher level. The European Community has committed, they say they can commit to the target, but no one country has to meet it. That is not a very solid commitment.

One of the problems that is necessary to understand is that when the United States affixes its signature to a treaty or to a document, it gets bound by that treaty. It does not hedge it or qualify it or put down some future thing. It says that we will reduce our standards of living; it says we will lose a half million jobs; it says all these other things, but we will do it if we sign onto it.

But the hedges that come from the industrial countries say they will, consistent with economic growth, consistent with affordability. The Japanese have said that they were going to do this by building 140 nuclear plants. You and I know that is not going to take place. We just know that it is not. And then they condition it still on an increase in population.

So these commitments are not quite as described by my friend from Tennessee.

The other thing is that when we embraced targets and timetables on CO_2, it is as though that is the only greenhouse gas. I would say to my friend that it is not the only greenhouse gas, and there are others that are involved in that. And it is, interestingly enough, that the Europeans are more inclined to give lip service to this thing for the simple reason that they have a very, very inefficient, heavy, subsidized, dirty coal as part of their energy mix.

And so any changes in them having subsidization do not in fact draw down from their economic competence but in fact probably enhance it.

But I would say again that it is very fine for other countries to blame the United States for reservations that they themselves hold. I would also say that there is no head of state in the industrialized world, to my knowledge, that has given the hard and fast commitment that he will attend. They have said it is on their agenda, they have said a lot of other things about it, but they have not said, "I am going to be there."

And then lastly, I would like to say that I take issue with the statement that President Bush has blocked commitment. In fact, what I would say is a more accurate statement is that he has blocked capitulation, particularly with India and Brazil, both of whom say they are not going to be bound by this thing. They are emerging economies. India has taken the hardest line of all, were the President of the United States to order his negotiators to capitulate to India, you would not have a change in the world's environment but you would very definitely have a change in the industrialized world's economy. He has striven to avoid having that happen. He has taken a little heat for it, mostly, I would say, from domestic politicians rather than from the world's politicians.

So, Mr. President, I would lastly point out again that the UNCED Rio Conference, the U.N. Conference on Environment and Development, is a different process from the climate change negotiations as well as the forestation negotiations. UNCED can proceed on with a declaration of principles which the United States has signed on to in principle as of yesterday.

Mr. GORE. Will the Senator yield on that point?

Mr. WALLOP. Without losing my right to the floor.

Mr. GORE. It is my understanding that the United States has not even signed on to that statement of principles but agreed only that it could be used as a chairman's text, like a committee print here in the Senate, as a working draft to allow the negotiations to continue. We have not even agreed to that yet.

Mr. WALLOP. Well, Mr. President, the Senator is, I would say, technically correct, because nobody has. In fact, it is a working draft, but we have accepted it as a working draft. UNCED can go on. And the Global Climate Change Convention is not part of UNCED, and it is a mistake to suggest that it is. It can be signed there, as could be the Reforestation Treaty, were they to have been negotiated and ready at that time, but it was not conceived as being part of the UNCED.

UNCED is a special international political conference aimed at furthering sustainable development. And I think it is important that the public understand that. It is very easy to make large claims about what is and could be going on there and who is and is not at fault there, but I think the charges of the President's negligence and our country's negligence are unfounded. There is yet, Mr. President, to have

been a country in the world that has taken its environment so seriously as we have. We will have probably met the 1990 reductions if we get the energy bill passed. So for us to be accused of being uncaring about the environment is bit specious.

Mr. President, I yield the floor.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 10 minutes and to have that time allocated to the distinguished occupant of the Chair who is also the manager of the concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado is recognized for 10 minutes.

Mr. WIRTH. Thank you, Mr. President.

I too am dismayed by the administration's continued obstructionist behavior with respect to preparations for the upcoming U.N. Conference on Environment and Development, the most important environmental summit in our Nation's history, in the country's history, in the world history, and perhaps the most important political summit that has ever occurred in the history of mankind. Vital international agreements are under negotiation, but President Bush still refuses even to declare his intention to join the world's leaders in this historic discussion of our collective environmental future.

At a time when the people of this Nation cry out for leadership, the President has turned a deaf ear and blind eye to the challenge and opportunity presented by the Earth summit. The United States now stands almost alone, even among the industrialized nations, as a roadblock to comprehensive agreement to protect the Earth's fragile ecological balance.

We stand at a crossroads, and the world community stands with us, scratching their heads. Why, it is asked around the globe, has the United States—the one remaining and self-proclaimed superpower of the world—abdicated its traditional, historic, and vital leadership role in matters of global environmental protection?

I was surprised, Mr. President, that some of our conservative colleagues in the House of Representatives are circulating a letter to President Bush asking him not to join the more than 70 world leaders who are attending the Earth summit in Rio. They call it a regulatory summit. It sounds like that came out of Vice President QUAYLE's council. I want to talk about how terribly misguided this view is.

Just last week, the U.N. Environmental Program reported that since the end of World War II, 10 percent of the world's soil has been destroyed through deforestation and poor land management. During this same time period, the world's population has doubled. In the next 10 years, we will add a new China's worth of people to the planet. How can we destroy our land and hope to feed all these new people? And how can we ignore this situation?

To refuse to address this situation condemns not just nature, but humanity as well. Uncontrolled population growth will doom every hope of stable economic development in the Third World, and every initiative to combat poverty and hunger worldwide.

In short, pressures on the ecological systems on which we all depend are increasing from all quarters. The signs of global ecological decay are all around us. Each second, man destroys a patch of rainforest the size of a football field. Species extinction has increased to 1,000 times the normal rate.

We pour poison into our water and carbon into the atmosphere. Rapid climate change poses an especially pressing danger; global warming threatens future generations and the future of the world economy. Our agriculture has a limited ability to adapt to rapid changes in climate. Great numbers of the world's population live in low-lying areas that would face disaster if the sea level rose even a minor amount. In the face of these trends, we must take action. We have a moral obligation to do so.

The 1990's represent a defining moment in our battle to understand and react to what we are doing to the planet. Ecological self-interest demands that we address global environmental challenges. That is what the Earth summit is all about.

Beyond the ecological imperative, there lies a critical economic imperative for the United States in the UNCED process. This administration continues to claim that it might be too expensive to save the planet's environmental systems. For many years, a false conflict has been perceived between environmental protection and economic growth, jobs, and prosperity.

But it is becoming increasingly clear, Mr. President, that aggressive environmental protection can fuel economic growth. Protecting the global environment presents not only political challenge, but economic opportunity as well.

If the United States does not move quickly we will miss one of the biggest investment opportunities in history. We can and must use the Earth summit as a lever for opening up promising new markets for U.S. products and advanced technology designed for the approaching era of growing environmental awareness.

Other nations are already gearing up to take advantage of this potential. The Japanese are particularly cognizant of this link and are moving aggressively to take advantage of these new market opportunities.

While this administration is wary of proposals for international agreement, the Japanese have recognized the scientific and public consensus that has emerged rapidly around the world and are poised to take advantage of it. Last year, Japan established the Research Institute of Innovative Technology for the Earth to develop new, more environmentally sound technologies.

This is one small example of Japan consciously carving out the environment as a new area of international economic influence. Similarly, we in the United States should rise to the challenge, and apply our legacy of innovation and hard work to capitalize on the new realities of global environmental awareness.

The private sector in the United States understands this. On their own, well-managed American companies are adopting the new economics of ecological awareness. 3M, for example, has committed itself to a comprehensive energy management drive, Challenge 95, to cut the energy it uses by 20 percent between 1990 and 1995, making customers more competitive and spurring economic growth.

Why are they doing this? Because they recognize it will make them more competitive and give them an economic advantage in the marketplace.

In the utility field, Pacific Gas & Electric is committed to meeting three quarters of its projected load growth for the remainder of the decade with an ambitious program of more than $2 billion in financial incentives for its customers to become more energy efficient. Over 10 years, this program will save 18.3 million tons of CO_2 emissions, not to mention millions of consumer dollars.

Huge international markets for energy efficiency and other environmental products will continue to grow as economic and environmental concerns are linked around the world. This is clearly already happening. This is what the future holds.

American manufacturers can compete—indeed they can lead the effort—to market environmentally sensitive products successfully in a world awake to the threat of global warming and other environmental dangers and resolved to fight back. That is the opportunity presented by the UNCED meeting.

We in the Senate have an obligation to strengthen our resolve and capitalize on the profound economic opportunities of environmentally sound development.

And so, Mr. President, I am dismayed that the administration still approaches the Earth summit with alarm. Instead of welcoming both the political challenge and commercial opportunities that accompany an international agreement on carbon dioxide stabilization and other pressing world environmental issues, President Bush shrinks from the challenge and embarrasses the proud tradition of U.S. leadership in the community of nations.

President Bush's anxiety is misplaced, and in the long-term, self-defeating. Too much is to be gained by advancing environmental protection, ecologically and economically, and too much is to be lost by standing still.

I wanted to frame my comments on UNCED in terms that maybe the White House, OMB, and this administration will understand.

Why not use market incentives to help us solve environmental problems? That was the message of the late Senator John Heinz. That was the message of Project 88. That should be the message of enlightened thinking.

Let us not look at UNCED as a set of liabilities. Let us look at UNCED as a set of opportunities, and it can be by taking the ideological blinders off and understanding what our future is going to be, and what the future of our children and grandchildren and great grandchildren are going to be, and what our role is going to be in this new, post-cold war world.

We are looking for a new mission, and the mission should be clear to us. The world is begging for our leadership and yet, once again, this administration is ducking. There is no reason for it to do so. The opportunities are clear and the liabilities of not doing so, it seems to me, are equally clear.

I hope my colleagues agree to the resolution authored by the distinguished Senator from Massachusetts, which I wholeheartedly support. It is the least that we can do.

Would that we were in a situation where the Senate was in cooperation with the administration and we were going full ahead in a wonderfully cooperative American effort. But we are not. We are back in this confrontation situation all over again, once more because of the administration's inability and unwillingness to lead.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KERRY. In a moment, I will yield time to the distinguished Senator from Montana.

I want to thank my colleague from Tennessee. I know he has more to say and, indeed, I want him to have more time available shortly.

I would also like to thank the Senator from Colorado. There is no Member of the Senate who has a better understanding of all of these issues, particularly in the area of deforestation.

When we held our international Conference on Global International Issues a few years ago, Senator WIRTH was one of the sponsors of that. If I recall it correctly, he led one of the panels. I believe it was on deforestation. His contributions have been very significant in that field.

I yield to the Senator from Montana, the chairman of the subcommittee in the area of environment and public works, for a period of 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

BUSH ATTENDANCE AT EARTH SUMMIT

Mr. BAUCUS. Mr. President, the largest international meeting on the environment in 20 years will convene this June in Brazil. This Earth summit—the first since 1972—is a rare opportunity for leaders of the world to start solving the globe's pressing environmental problems. Many heads of state have committed to attend this important event.

But not our President. When asked if he would attend, he waffled. He said that he is in the middle of an election year and may need to stay home.

If he would stay here so he could implement the Clean Air Act he so proudly signed a year and a half ago, I would support him. But the reality is that the environment President has lost his credentials.

The White House has repeatedly blocked EPA from releasing regulations, despite the explicit deadlines in the law. This creates uncertainty and leaves States and industries potentially subject to sanctions for not meeting the requirements of the act. Meanwhile, Americans continue to breathe air so polluted it threatens their health.

The White House has pushed EPA to violate nearly three dozen statutory deadlines—35 to be exact—in the 16 months since the Clean Air Act was signed into law.

And to make matters worse, in one of the few actions the President did take, he explicitly violated the law. He decided to excuse car makers from installing canisters in cars that capture toxic and smog-forming vapors. This illegal decision was made only days before the Michigan primary.

The President used partisan politics as an excuse to pollute. The President has sacrificed the health of Americans in the search for more delegates at the convention. Perhaps we should not be surprised, since the President recently said we would do anything to be reelected.

It has become so outrageous that one of the House conferees is suing the Bush administration to get them to comply with the law.

We hear the President is backing away from his commitment to cleaner air for all Americans because he fears the economic impact.

Yet research conducted for EPA shows that the Clean Air Act creates jobs. If properly implemented, it will spur growth, particularly in the pollution control industry. And the technologies and jobs created by this demand will help improve our balance of trade—something we need to do.

So with his record, I can understand why the President would not go to Rio. If he goes, his inaction on clean air—and on global warming—would be all too clearly displayed.

But avoiding the Earth summit will not immunize him from criticisms at home on his environmental record.

In signing the Clean Air Act, he promised us cleaner air. Now he is breaking his promise and going back on his word. That is not something we do in Montana. Nor should we tolerate it in Washington.

COMMITTEE AMENDMENTS AGREED TO

The ACTING PRESIDENT pro tempore. Without objection, the question occurs on agreeing to the committee amendments.

The committee amendments were agreed to.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wyoming is recognized.

AMENDMENT NO. 1758

Mr. WALLOP. Mr. President, I send an amendment to the desk for Mr. GORTON and Mr. HATFIELD and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for Mr. GORTON (for himself and Mr. HATFIELD), proposes an amendment numbered 1758.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert the following new paragraph after paragraph (5) and renumber succeeding paragraphs accordingly:

"(6) support the creation of an International Northern Forests Organization whose principal purpose shall be to study the linkages among international trade in forest products, the management of northern forests and the regional and global environment in order to assist member countries in the development of sustainable forest management policies."

INTERNATIONAL NORTHERN FOREST ORGANIZATION

Mr. GORTON. Mr. President, for the past 10 to 15 years, tropical forests have remained at the focus of the international environmental community. This focus is certainly warranted. Developing countries must manage their tropical forests under unprecedented international pressure—economic, social, political, and resource pressure.

Temperate forests, like those in North America generally and the Pacific Northwest specifically, and boreal forests, such as those in the Soviet Union, are being increasingly burdened by international pressures—albeit very different pressures than those borne by tropical forests. It is now time for the international community to recognize these pressures and to address them through the creation of an International Northern Forests Organization, or INFO.

In June of this year, the world's attention will turn to Brazil and the U.N. Conference on the Environment and Development, or UNCED. World leaders are preparing the agenda for discussion at the UNCED Conference and are laying the foundation for an international agreement. It is my hope that the International Northern Forests Organization will be among the topics discussed and will be included in any agreement reached. To that end, I am introducing an amendment to Senate Concurrent Resolution 89 expressing the sense of Congress that the administration should support the creation of such an international organization.

As I see it, Mr. President, an International Northern Forests Organization should be created with five objectives in mind: First, INFO will study the linkages among international trade, the management of northern forests, and the global and regional environment; second, INFO will act as a clearinghouse, sharing research among member countries; third, INFO will monitor and collect scientific data from northern forests; fourth; INFO will serve as a mediator, enhancing communication among the forestry agencies of member countries; and fifth, INFO will assist member countries in the development of forest policy.

The World Wildlife Fund envisions the creation of a World Forest Council. The World Forest Council model suggests a temperate forest secretariat and INFO would satisfy the model, but go one step further to include boreal forests. Boreal forests grow in the far northern reaches of the Soviet Union, Canada, Alaska, and Asia. With an increase in trade between these regions and the United States, we cannot forget boreal forests. That is why I would combine them with temperate forests into a northern forests organization.

Nowhere in the United States is trade in wood products more important than in the Pacific Northwest. In Washington State, trade equals jobs. An International Northern Forests Organization, emphasizing linkages between trade, forest management, and the environment, makes sense for the world's economy, but makes the most sense for the Pacific Northwest. That is why I also propose that INFO be headquartered in the Pacific Northwest, in either Oregon or Washington. To that end, members of the Oregon and Washington delegation wrote to Curtis Bohlen, Assistant Secretary of State and U.S. delegate to UNCED, earlier this week. In our letter, we urge that the administration support the creation of INFO and headquarter the organization in the Pacific Northwest. I ask unanimous consent that the letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. GORTON. The Northwest's forests are the most productive in the world and an organization like INFO will prove that to the world's markets. We must compete in a global economy while creating economic opportunity at home. An International Northern Forests Organization in the Pacific Northwest will help this country compete and grow.

Mr. President, this effort cannot succeed without cooperation at the highest levels. I commend my colleagues here in the Senate to acknowledge the importance of an International Northern Forests Organization. I ask for support from the administration. And I ask that the United Nations place the merits of an International Northern Forests Organization on its agenda for discussion at UNCED this June. This is an organization whose time has come. Please lend it your support.

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
Washington, DC, March 31, 1992.

Hon. CURTIS BOHLEN,
Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC.

DEAR MR. BOHLEN: We are writing to urge you to support the creation of an international organization in the Pacific Northwest focused on the world's temperate and boreal (northern) forests.

For years, the world has focused on the development of policies to manage tropical forests and it has overlooked the important linkages between tropical forest management and the management of temperate forests. Since temperate forests, and particularly those in the northern hemisphere, contribute a significant amount of the world's wood products, we believe the linkages between international trade in northern wood products and the environment should play a larger role in the international debate over the world's forests.

As preparations are made for the United Nations Conference on Environment and Development, we urge you to use this opportunity to promote the creation of an international organization focused on the world's temperate and boreal forests. This organization should be headquartered in the Pacific Northwest and referred to as the International Northern Forests Organization (INFO). We believe the Pacific Northwest is the most appropriate place to locate such an organization due to our wealth of expertise in the field of forest management and the tremendous productivity of our forests.

We envision that such an international organization would pursue the following purposes: studying the linkages between international trade in northern forest products, the management of northern forests, and the impacts on the regional and global environment; sharing such research among member countries; monitoring and collecting scientific data from northern forests; enhancing communication among forestry institutions of member countries; and developing sustainable forest policies for member countries.

We believe that INFO would be consistent with a model proposed by the World Wildlife Fund for the creation of a World Forest Council. Their model would establish three international entities, including an international temperate forest organization.

Both the U.S. House of Representatives and the Senate are preparing resolutions setting forth general principles for discussion at the UNCED Conference in Brazil this June. We support language that has been included in the Senate version of the resolution supporting the creation of INFO. That language is attached for your reference.

We urge you to support the creation of this important organization.

Sincerely,

Brock Adams, Thomas S. Foley, Mike Kopetski, Pete DeFazio, Jolene Unsoeld, Jim McDermott, Les AuCoin, Slade Gorton, Bob Packwood, John Miller, Bob Smith, Al Swift, Norm Dicks.

Mr. WALLOP. Mr. President, it is my understanding the Senator from Washington has worked this amendment out with the chairman of the committee.

Mr. KERRY. Mr. President, we do accept the amendment. During conversations with the junior Senator from Washington in whose name the amendment was offered, we came to an agreement to drop language that suggested that the new organization on forestry be modeled after the existing International Tropical Timber Organization.

It is my own hope, actually, that the new organization which this resolution calls for, for northern forests, would be far more vigorous and successful in conserving forestry resources than the ITTO, and it would include ample representation from respected scientific and environmental organizations.

Having said that, we have no problem at all with the amendment, and we are willing to accept it.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1758) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1759

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 1759.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

To Senate Concurrent Resolution 89, to express the sense of the Congress concerning the United Nations Conference on Environmental and Development.

In the first "Whereas" clause, after "by" insert the following: "the potential for harmful", and after "change," insert the following: "and".

Mr. WALLOP. Mr. President, this amendment addresses the language in the preamble which could create the impression that the science is complete and that there is consensus that the Earth is currently threatened by global climate change. This is still an issue in dispute. The science community is engaged in the very active debate on the potential for global climate change and its effects.

Next month, the Senate Energy Committee will hold another hearing on global climate change, and this will be an appropriate opportunity to debate the science of it.

My amendment reflects my uncertainty, only adding the concept of potential to the threat of climate change.

Mr. KERRY. Mr. President, the point of the author of the amendment is that there is no scientific certainty about the precise extent and timing of the environmental threat that is posed by global climate change. That extent is clearly an uncertainty.

I would note, as we accept this amendment—I think both the Senator from Tennessee and I would have further comments to make regarding this—that uncertainty is absolutely no grounds for complacency or inaction given the other evidence that we have and the certainty of change itself.

However, I think the point being made in the amendment by the Senator from Wyoming is a fair one. So we have no quarrel with the proposed change.

The ACTING PRESIDENT pro tempore. Without objection, the amendment to the preamble will be in order.

The question is on agreeing to the amendment.

The amendment (No. 1759) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1760

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 1760.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

To Senate Concurrent Resolution 89, to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

On page 4, line 22, after "support" insert the following: "the voluntary", and on page 5, line 3, after "new" insert the following: "voluntary".

Mr. WALLOP. Mr. President, one of the more contentious issues at the Earth summit is the debate over a mandatory international development fund. This is the major goal of the Group of 77, and the United States cannot support a new international entitlement program, a program which would be funded by our taxpayers.

This amendment changes the language in the resolution to ensure that any international assistance would be voluntary. I believe it has the support of the committee.

Mr. KERRY. Mr. President, again, this does have the support of the committee. I guess these things fall into the realm of interpretation, as they always do here, when dealing with words and intentions. We do accept this amendment, but we recognize also that clearly there will be costs associated with the environmental planning and protection measures that are likely to be recommended at this conference, and many of us want those measures to be recommended and clearly we want us to be party to it.

But, obviously, if we are a party to it by virtue of signing it, we will have done so voluntarily. No other nation can mandate that we accept some specific plan or program. So, again, it comes down to the very essence of what we are debating, which is really what is going to come out of there, what are we going to require ourselves to do, and what kind of leadership will we present?

The resolution, as we submitted it, was not intended to recommend that the President commit us to financial support of a type that is inconsistent with our own constitutional processes and procedures.

So we find this amendment to be consistent with that understanding and, therefore, it poses no problem for us to accept.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1760) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, the resolution under consideration involves a serious topic, that of the global environment, and contentious policies in particular, whether the economic progress of America will be subjected to the control of an international bureaucracy.

One objective of the Earth summit conference not only involves ratification of general principles regarding the state of the global environment, but the conference also intends to approve binding resolutions on several major environmental issues.

By agreeing to this resolution, the Senate is simply recognizing the need to act globally, to seek global cooperation on environmental problems. The Senate is not urging the administration to accept binding agreements which mandate the United States to take actions promoting political postures not in our national interest.

One of the objectives of the Group of 77, the negotiating organization for developing countries, is to enact two mandatory international agreements.

The first provision is the global environmental fund, which we have discussed earlier today. The second issue is a mandatory cap on carbon dioxide emissions. This last and very peculiar proposal is based on the interpretation of some—and I say some—scientific research on the possibility of global warming. The science is tailored to fit a political purpose. More accurately, science has been perverted by individuals and organizations who prefer global government to global cooperation.

The advocates have perverted the science in several ways. First, they have insisted that only carbon dioxide be considered. If you accept their theory on global warming, then all the greenhouse gases should be included in a plan to reduce their emissions. Carbon dioxide accounts for only half of all the greenhouse gas emissions. The negotiations on global climate change only focus on this one so-called culprit.

The second problem lies with the solution proposed by the Group of 77. They want to cap carbon dioxide emissions, but only for OECD countries; that is, the developed nations. Yet, the major growth in greenhouse gas emissions over the next 50 years will occur in the Group of 77 nations.

Mr. President, I ask unanimous consent that a table showing the growth in their portion of greenhouse gas emissions be printed in the RECORD.

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

CONTRIBUTION TO ANNUAL GLOBAL GREENHOUSE GAS EMISSIONS

Any unilateral action by the United States would have little, if any, impact on total greenhouse gas emissions over the next few decades.

Major increases in greenhouse gas emissions will come from the developing world and Eastern Europe over the next 50 years.

The U.S. percentage of greenhouse gas emissions has decreased dramatically over the past 40 years, when compared to other economics.

CONTRIBUTION TO GREENHOUSE GAS EMISSIONS

[In percent]

	1985	2000	2015	2050
United States	21	19	16	12
Western Europe	22	19	16	12
CIS	22	22	19	18
China	10	13	16	21
Developing world	25	28	32	37

Mr. WALLOP. Mr. President, if global warming is occurring, and if it is

harmful, the UNCED solution will do nothing to solve this potential problem. This is a dispute that will continue up to the Rio Conference. In the resolution we are debating today, reference is made to the threat of global climate change and the necessity to "support an international convention to reduce the threat of global climate change."

I inquire of the sponsor what he would view as the components of such an international convention; in particular, does this resolution support a mandatory cap on carbon dioxide emissions for the United States?

Mr. KERRY. I will reply to the Senator from Wyoming simply referring him to the text of the resolution itself, it calls upon the President to "support an international convention to reduce the threat of global climate change." The resolution does not specify the precise means by which that reduction ought to be obtained.

Mr. WALLOP. I thank the Senator.

Mr. President, does the resolution support mandatory controls on the economic growth of the United States?

Mr. KERRY. The answer to that, Mr. President, is absolutely, clearly, no. There is no way it could, and I do not know of any serious proposal connected with UNCED that seeks to do that.

Mr. WALLOP. Mr. President, lastly, does the resolution support greenhouse gas emissions by all nations?

Mr. KERRY. The answer to that, Mr. President, is that the resolution does not refer specifically to greenhouse gas emissions other than to urge support for a reduction in the threat of global climate change. Obviously, appropriate controls on greenhouse gas emissions, taking into account the various stages of development in the various nations, is one way of achieving that goal. And there are many, obviously, who advocate that.

But I would add, moreover, that the United States can and should take environmental policies very much into account with respect to these other nations when considering requests from them with respect to bilateral and multilateral developmental aid.

I also add, if I may, that the Senator from Wyoming is correct in pointing out that there are caveats here and there, and there is language within some of the efforts of other nations to try to set different standards.

I do not disagree with that. The question here, really, that I think the Senator from Tennessee and I are proposing is why we are not taking a more forceful role to try to change that and to lead with respect to it. But the answer to his question is that it does not refer specifically to those greenhouse gas emissions.

Mr. WALLOP. Mr. President, I thank the Senator from Massachusetts. I yield back the floor.

Mr. KERRY. Mr. President, I ask what the status of the time allocation currently is.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Massachusetts has 48 minutes. The Senator from Wyoming has 56 minutes.

Mr. KERRY. Mr. President, I yield to the Senator from Tennessee 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. GORE. I thank the Chair.

I want to respond to some of the comments made by the Senator from Wyoming Earlier, and specifically I want to address this question of whether or not CO_2 emissions into the atmosphere cause climate change. Indeed, as we have all agreed here this morning, there is a consensus in the international scientific community that if the accumulation of greenhouse gases, principally CO_2, continues, then there will be warming and climate change. The question of whether or not the warming, which has already taken place since the industrial revolution, is in fact caused by the accumulation of greenhouse gases is a separate question. Although many scientists believe very strongly that indeed they are linked, that should be identified as a separate question.

But let me put this into perspective, Mr. President. I brought a graph, and it is not nearly as complicated as it looks. May I begin by explaining that there are really only two lines on this graph. The top one is carbon dioxide and the bottom one is temperature. Bear with me for a moment, Mr. President, as I explain from where this comes. In Antarctica, scientists have drilled cores down through more than 2 miles of ice, and they have found that it is possible to take the small bubbles or air trapped in the ice each year by the snow that falls and reconstruct a record of CO_2 in the atmosphere going back through the last two ice ages to 160,000 years ago. By comparing the ratio of oxygen 16 to oxygen 18 isotopes, they are able also to reconstruct a precise record of temperature year by year going back 160,000 years.

Now, the bottom line, the temperature line, reflects the last ice age here, and the next to last ice age 150,000 years ago here, and the period of great warming in between the ice ages there. For purposes of reference, in New York City—or in Wyoming, for that matter—the difference between a nice day like today is here. This is the difference between a nice day and having 1 mile of ice over your head. That is what the difference in temperature range of an ice age reflects.

On the CO_2 line, the concentration of CO_2 in the atmosphere have gone from roughly 200 parts per million during the ice ages up to 300 parts per million during the period of great warming in between the ice ages.

Now, there are two points that I would like to make with this graph. The first point is these two lines appear to move up and down together. There is continuing debate about the nature of the causality and the precise nature of the relationship between these two lines, but they are related. They go up and down together.

Now, the second point is that CO_2 concentrations in the atmosphere are being pushed up dramatically. All of the oil well fires in Kuwait put together represented on the worst day less than 1 percent of the pollution and greenhouse gases that we put into the atmosphere of the Earth worldwide every day. So when people say, "Isn't it great we put out those fires in Kuwait," yes, it is, but we put 100 times that quantity into the atmosphere today, and we will tomorrow and the next day. We have to do something about it because the net result is we are increasing carbon dioxide in the atmosphere at an absurd rate, and we now know from the scientific studies that we will likely see a doubling of CO_2 within about 40 years, give or take a few years. That is not controversial. There are many things about which there is an argument, but all sides of the debate agree that we will double CO_2 in the atmosphere in about 40 years.

Now, here is what that looks like on this graph, Mr. President, The CO_2 line will go up past—it is already past the 300 parts per million that occurred during the last great warming period between the two ice ages, and it is going up and it will go up further until it reaches 600 parts per million in about 40 years. That is at the top of that line.

Now, Mr. President, Is it OK to do this? The assumption is, by those who say we do not have a problem with global climate change, it is probably OK to push CO_2 concentrations up to this absurd level. My point is not that this will automatically increase temperatures up to that level. It will not. But who bears the burden of proof that temperatures will not be pushed up worldwide as scientists say they will? Who bears the burden of proof to say that this is all right or not all right? All over the world mountain glaciers are retreating right now because of the warming.

I am prepared to stipulate that this past winter was by far the warmest winter in recorded history was probably a coincidence, because the yearly fluctuation is so great you cannot reach any conclusion on the basis of 1 year. The fact that the last 2 years represented the hottest 24-month period in recorded history may also be a coincidence. The fact that 8 of the 10 hottest years in recorded history have been within the last 12 years, that begins to raise questions.

We had testimony in the Science Subcommittee of the Commerce Committee, where the world's leading expert on these mountain glaciers just

completed a 20-year study showing that the last 50 years represents by far the hottest 50-year period in the last 12,000 years which is as far back as his study goes. Is that a coincidence? Do you remember that stone age hunter that was found in the Alps? He has been there for 5,500 years, laying there in the mountain pass. Why did we not notice that guy before? Because the ice there has not melted in 5,500 years.

Mr. President, we are already at this level. Are we prepared to look our children in the eye, and say we knew we were doing this; we knew that carbon dioxide and temperature have moved up and down in lockstep for as far back as we can measure; and, we just assumed that it would be perfectly all right to take this kind of risk with your future?

It is unethical, Mr. President. It is totally unethical. The real reason we are willing to allow this to occur is because we are unwilling to consider the steps that will be necessary to prevent it.

That is what the Earth summit is all about. Will the world confront reality? Dire Straits, the rock and roll group, has a line in one of their songs—my friend Carl Sagan quotes it often—"Denial ain't just a river in Egypt." It is a psychological strategy for sticking your head in the sand. That is what many in the world are doing on this question.

The Earth summit is the time and place to confront this crisis because, in truth, it is not all right to push CO_2 up to those levels. It is crazy, unethical, and wrong.

In my religious tradition, Mr. President, if you will allow me to make a personal reference to my faith, there is a Gospel, a parable in three of the four Gospels called the Parable of the Unfaithful Servant. A master leaves on a journey and tells his servant to take care of the house. "If while I am on the trip," he says, "vandals come and ransack this house, it will not be a sufficient excuse for you to say 'I was asleep.'"

If we fail to take action, if we allow President Bush to stonewall the entire world at the Earth summit, refuse to go, refuse to set targets, then we we will implicitly be saying we were asleep, and we did not know anything was wrong with this.

Something is wrong with that, Mr. President. We have a responsibility to stop it, and the Earth summit is the place where we can begin to take that action. U.S. leadership is absolutely essential.

Mr. President, I know that others are waiting to speak. I will yield the remainder of my time.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, before the Senator takes down the big spike, I will just note that given the UNCED conference proposed solution that spike will occur whether or not the treaty that the Senator seeks is signed, because the increase will come from the Third World countries, and there is nothing to contain those and, in fact, if it all takes place that will not change whatsoever. That is one of the problems that some of us have with the proposals to deal only with greenhouse gases in the industrial world.

Mr. GORE. Will the Senator yield for a response?

Mr. WALLOP. A short response.

Mr. GORE. I appreciate that.

There has been a pretty strong agreement in the world that because of the enormous disparity between the north and the south, the fact is that industrial countries emit on average 15 times on a per capita basis the greenhouse gases than in the south. And because the ability to quickly adapt the new technologies in the south is so constrained by the enormous poverty there, the agreement contemplated would be rather like a Montreal Protocol to eliminate CFR's where the industrial countries capable of making the transition obligated themselves to move first and then to provide the assistance necessary for the developing countries to come along as they were able to do so.

The same basic approach is contemplated now with respect to carbon dioxide.

And when the measurement is accurate with respect to methane, the other principal greenhouse gas, the other negotiators have said we will agree to include methane, if we take that part that can be accurately measured. The United States has not been willing to do that either.

So the debate appropriately focuses on carbon dioxide in the industrial countries.

I thank my colleague for yielding.

Mr. WALLOP. Mr. President, I will show the Chair and the Senator from Tennessee, this chart which shows the greenhouse emissions, CO_2 emissions going out to the year 2050. The bottom line is the U.S. emissions, and all U.S. utilities. The next one is the OECD, and the top line rising is that of the Third World countries, the developing countries.

So my statement remains that the spike occurs with or without this treaty.

My guess is that one of the reasons why we do not wish to be bound to the Group of 77 requirements is simply that there is need for the United States and the industrial world to have an economic development possibility of their own throughout this period of time. We should not transfer from the poor of this rich country to the rich of those poor countries. My guess is that is precisely what will happen.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island, the chairman of the Senate Foreign Relations Committee.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Thank you, Mr. President.

What is UNCED, and why is it important? The conference was called for by the U.N. General Assembly in December 1989 with the purpose of focusing world attention on the challenges of integrating environmental protection and economic development.

There is both a moral and a practical imperative to this challenge. If you accept, as I do, the proposition that each generation holds the Earth in trust for its successors, then we have an obligation to exercise wise stewardship over our planet. We should exercise, as Gorbachev puts it, "global practices". Now, however, for the first time in history, human beings can alter the ecology of the Earth on a global scale. For the first time in history, we stand to leave our children an Earth with an environment significantly worse than that we inherited, a planet on which we may wreaked permanent harm.

The litany of environmental destruction we are witnessing is depressingly long.

Much as the U.S. Government engages in deficit spending with its budget, we are engaged in deficit spending with the environment on a global scale. We are squandering our children's inheritance to feed our own insatiable appetites. While it may be possible for future generations to repay the Federal debt, it is by no means clear that they will be able to repair the environmental damage we have caused. In my view, this situation is unacceptable. We must take action now to ensure that our successors will benefit from—rather than pay for—our generation's time on Earth.

There is also a practical reason to respond to the challenges posed at UNCED. Frankly, it is in our own interest. Global environmental degradation poses direct threat to the health and well-being of each of us. In the northeastern United States, we are witnessing ozone thinning and possibly even the first ozone hole outside of the Antarctic. This places millions of Americans under increased risk of contracting skin cancer. At the same time, the loss of biological diversity may impede our ability to develop effective remedies for diseases that are presently striking our fellow citizens.

Environmental protection is not just an exercise in risk avoidance, however. It also provides opportunities for economic growth. The United States is a world leader in a variety of environmental technologies. The United States could market these products to the world to the benefit of U.S. workers and companies.

I had hoped that the President would embrace UNCED, exercising the same sort of international leadership that he did so skillfully in the gulf war. This has not been the case. The administration appears not to have a real compelling interest in UNCED, viewing the meeting more as an obstacle than an opportunity. This President, who announced that he would be the "environmental President," clearly does not consider protection of the global environment part of the new world order.

That is unfortunate and stands in marked contrast to U.S. participation in the predecessor to UNCED, the 1972 Stockholm Conference. I attended that conference as a U.S. delegate and can well remember the sense of excitement and purpose that accompanied our mission.

This time, 20 years later, as a follow up conference, we in the Senate are not appointed as delegates. We are, I believe, only observers. I think this shows the lessening of interest on the part of the administration in this regard.

In part because of U.S. efforts, the conference marked a turning point in international awareness and appreciation of environmental threats both on the national and international level. In one of its great successes, the conference led to the creation of the U.N. Environment Programme, in my view one of the most important of the U.N. agencies. For its work on protecting the ozone layer alone, the agency has more than justified U.S. financial support.

As the world struggles to deal with global environmental threats, it is my hope that we will be able to strengthen international structures for addressing these problems. It is really only through such multilateral measures that global environmental threats can be addressed effectively.

Mr. President, the agenda at UNCED is far more ambitious than that in Stockholm in 1972. I think it is important that the United States articulate a clear set of objectives for the conference, and I believe this resolution does that. The resolution was reported from the Committee on Foreign Relations without objection, and I urge my colleagues to support its adoption.

On a related note, I congratulate Senator GORE for his fine work to date as chairman of the Senate UNCED Observer Group. During debate this morning, the Senator has again ably demonstrated his grasp of the environmental challenges facing our world today. I look forward to continuing to work with him on the Observer Group.

As a final observation, I would say that we should view UNCED more as a starting point, rather than a finishing point for discussions on environmental protection and economic development. The issues on the agenda are extraordinarily complex. We cannot expect them to be addressed fully and effectively in one meeting. I hope what UNCED will bring about is an ongoing dialog between developed and developing nations that will promote environmental protection and economic development.

I hope, too, just as we have waited 20 years between the last conference and this conference, that it will not be another 20 years before we have the next conference on this subject.

I yield the floor.

Mr. KERRY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. KERRY. The Senator from Wyoming?

The PRESIDING OFFICER. The Senator from Wyoming has 52 minutes.

Mr. WALLOP. Mr. President, I yield 15 minutes to the Senator from Massachusetts off of the time of the Senator from Wyoming.

The PRESIDING OFFICER. The Senator has yielded 15 minutes to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator for the gracious gesture. I appreciate that very much.

I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. LIEBERMAN. I thank my colleague from Massachusetts. I congratulate him on his leadership on this bill, and I am pleased to be an original cosponsor of it.

Mr. President, we are clearly in a time of transition in world events and, as such, we are feeling our way to what the order of the new world will truly be. In our own domestic political environment, we have heard echos of politics of an earlier time which calls for a policy of America first.

I have been thinking about another probably idealistic foreign policy call of another time for one world. There was a group of people in our country who advocated a one world foreign policy—a dream probably, an ideal which was out of our reach. Yet, as we come to appreciate the reality of the global environmental threat that we face, we realize in a way that I think we have not before over the history of the human species on this planet, with all of our preoccupation with nationalism and our inclination to division and conflict, that we are indeed inhabiting one world, one environment. What happens in the United States affects people in China. What happens in Africa affects people in Latin America, and so on and so forth.

Hopefully, this reality of global environmental pressures and threats will lead us not just idealistically, but practically, to work together against a common enemy, all of the nations throughout the world, and that common enemy is environmental degradation, which will lead to human sickness and a lack of safety for the human species. That is one reason why so many of us here in the Senate are so disappointed by the failure of this administration to take a leadership role, as we approach the international environmental conference in Rio.

As the world prepares for a global environmental conference, the Bush administration has made the United States the major obstacle to meaningful international action to forestall the potentially irreversible increases in the Earth's temperature. With the exception of Turkey, the United States remains alone among the developed nations opposing control of carbon dioxide emissions.

Unlike our administration, these other countries are heeding the words of our experts. The National Academy of Sciences has concluded: "Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now." An international panel of scientists convened by the United Nations predicts that if humans continue to pour heat trapping gases like carbon dioxide into the air at the present rate, they will cause the average surface temperature of the Earth to rise 3 to 8 degrees Fahrenheit by the end of the next century. This is a rate of change 10 times greater than the natural changes of the last 10,000 years, and it would push the global temperatures higher than they have been in 150,000 years. The panel concluded that they were certain that emissions resulting from human activities will result in an additional warming of the Earth.

Experts from around the world agree that climate changes might have devastating impacts on our ecosystems, our health, our plant and animal life and our supply of food and drinking water. The potential effects of climate change include increased frequency and severity of droughts and hurricanes, reduced agricultural productivity, flood of coastal areas and wetlands, elimination of many tree and animal species, inundation of drinking water aquifers with salt water and loss of important natural ecosystems. Thomas Lovejoy of the Smithsonian has stated:

> If the projected rates of climate change have any validity at all, then we have no historical evidence of species being able to disperse at that rate.

There are already a number of coastal communities and island nations that are threatened with being inundated from the rise in sea level. For example, four islands in the Maldives have been evacuated because they are being flooded by rising waters. These countries are coming to the international meetings and pleading for their continued ability to exist.

The Bush administration contends that controlling global warming would

wreak economic havoc in this country. But the experts including the administration's own Environmental Protection Agency do not support this conclusion. Efforts to head off global warming could actually save money or turn a profit in the long run. Harvard economist Robert Stavins has stated:

To ignore the economic opportunities is to fail to seize the moment, to become paralyzed by exclusive focus on one side of the economic ledge.

Leading studies by experts conclude that carbon dioxide emissions can be cut at little or no cost to our economy.

The National Academy of Sciences report, "Policy Implications of Global Warming," concludes that "the United States could reduce or offset its greenhouse gas emissions by between 10 and 40 percent of 1990 levels at low cost at some net savings." Many of the control measures set forth by the National Academy of Sciences are those this Senate already has adopted in the energy and surface transportation legislation: Improving the efficiency of buildings and appliances, reforming public utility regulation to encourage electrical utilities to promote efficiency and conservation, strengthening Federal and State support of mass transit, among other measures. The National Academy finds that "the efficiency of practically every end use of energy can be improved relatively inexpensively."

The Congressional Office of Technology in its report, "Changing by Degrees," examined 100 different technical options to reduce carbon dioxide emissions. In congressional testimony, OTA reported that even under its most conservative scenario, carbon dioxide emissions levels could be frozen at 1987 levels through 2005 at no cost to the economy.

The Environmental Protection Agency's Green Lights Program provided another example. The program's goal is to prevent pollution by encouraging major U.S. institutions—businesses, governments and other organizations—to use energy-efficient lighting. Because lighting is such a large consumer of electricity—about 25 percent of the national total—and so wasteful—more than half the electricity used for lighting is wasted by inefficient technology and design practices—the EPA tells us that the Green Lights Program offers a substantial opportunity to prevent pollution and to do so at a profit. Under the program, EPA asks major institutions to sign a memorandum of understanding with the Agency, in which the signatory commits to install energy efficient lighting in 90 percent of their space nationwide over a 5-year period, but only where it is profitable and where lighting quality is maintained. EPA, in turn, offers technical assistance. According to the EPA, if energy efficient lighting were used wherever profitable, the Nation's demand for electricity could be cut by more than 10 percent, leading to 4 to 7 percent reductions in the emissions of carbon dioxide.

Other individual companies have made firm commitments. Last spring, Mayor Bradley of Los Angeles announced that the department of water power and the Southern California Edison Co. had pledged to reduce carbon dioxide emissions by 20 percent by the year 2010 with at least half of those reductions to be achieved by the year 2000. That program would actually reduce carbon dioxide emissions by more than 40 percent when compared with projected levels.

The chairman of Southern California Edison stated in making this commitment:

Taking prudent, reasonable economic steps to reduce CO_2 emissions are warranted by current scientific understanding of the potential for global warming. * * * We believe (our actions) make good environmental, scientific, and business sense.

Mr. President, these studies and commitments by industry show that this administration's refusal to negotiate any concrete target or timetable for control of carbon dioxide not only threatens the future of the entire planet but does not make sense from an economic standpoint as well.

Mr. KERRY. Mr. President, I yield 5 minutes to the senior Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I join in support of this resolution by Senator KERRY, and I urge President Bush to do the right thing on this important environmental conference in Rio.

It is time for the "Environmental President" to live up to his rhetoric. The United States should be the world leader in addressing environmental problems that cut across national boundaries, instead of being the major obstacle in these international negotiations.

The President prides himself on his ability to persuade foreign leaders to embrace a new world order. But the new world order also includes protection of the natural resources on which the future of the world depends.

It is a national embarrassment that President Bush does not think it is worthwhile to join virtually every other world leader in personally attending the upcoming U.N. Conference on Environment and Development in Rio.

And he has to do more than just show up. As leader of one of the world's primary polluting countries, the President should be helping at that conference to negotiate specific targets and timetables for reducing pollution, in order to achieve real international progress toward our environmental goals. Without the active participation of the United States, this effort involving more than 130 nations will be seriously set back.

The rest of the world is demonstrating a remarkable commitment to address the serious environmental problems we face. Global warming, ozone depletion, deforestation, overpopulation, extinction of animal and plant species, air and water pollution, disposal of hazardous waste—these are just some of the critical problems that demand an active U.S. role in developing adequate solutions in cooperation with other nations.

Recently, scientists reported significant ozone depletion above New England—the first evidence of this phenomenon in a populated area. Increases in the incidence of skin cancer and other serious health problems are likely to result. But the Bush administration maintains its intransigent position, opposing timetables for the reduction and elimination of all ozone-depleting chemicals.

Here at home, the administration has also adopted an extreme anti-environmental position, by imposing a moratorium on new regulations to carry out environmental laws and to protect the public health and safety. It is time for the administration to reject the pleas of polluting industries and their false pretense that America's environmental goals and America's economic goals are mutually exclusive. With every effort to clean up our air, land and water, and to develop new technologies to meet strong environmental standards, more jobs are created and we build a stronger economy for the future.

By adopting this resolution, we will send a strong message to the President, to the American people, and to the rest of the world that the United States is serious about doing its part to clean up the environment and protect it for future generations. It is preposterous for the administration to maintain that every other nation attending the Rio conference is out of step on the environment except Uncle Sam. The empty chair at Rio should not be President Bush's. I urge the Senate to pass this resolution.

I yield back the time that remains to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my distinguished colleague from Massachusetts.

I had understood that the Senate majority leader was about to come to the floor.

Does the Senator from Minnesota require time?

Mr. WELLSTONE. Yes, I would certainly be honored to speak for 5 or 10 minutes if the Senator from Massachusetts will yield.

Mr. KERRY. Because I think the time constraints are lining up, I can yield to the Senator about 4 minutes if that is all right.

Mr. WELLSTONE. Well, I want the Senator from Massachusetts to know that I was a teacher. It is hard to do this in 4 minutes. That is fine. I will do my very best.

Mr. President, I rise to express my support for this Senate Concurrent Resolution 89, and I thank Senator KERRY and I also thank Senator PELL for their work.

The question is, What is at stake? And I think sometimes when we give speeches on the floor it is not always clear as to what is at stake. But what is at stake when we talk about this U.N. Conference on the Environment and Development is our future and this Earth planet that our children are going to inherit.

Mr. President, I think people in the United States are in many ways way ahead of our Government and way ahead of the politics here in Washington. When I was in New York last month sitting in on some of the work that is being done at the United Nations, I met with representatives from other countries and they kept saying to me—and I think the Senator from Massachusetts would be interested in this—they kept saying, does your Government not care about the environment? Where is the commitment to doing something about global climate change? Where is the commitment of doing something about deforestation?

I said I really believe people in my country care fiercely about this.

I want to make it very clear that this resolution, this Earth summit is not about left or right or not about consumers versus business. The calamities that we face, if we take no action, know no borders, and they favor no ideology. Our future is our common ground.

Mr. President, this last decade was the decade of the denial, and this next decade has to be the decade of decision. Preparations for Brazil began 2 years ago and there were many people who said that if by the fall of 1991 we did not have some specific commitments, we would not get very far.

I rise on the floor today to make it very clear that I hope—and certainly as one Member of our delegation that will attend this conference that the conference in Rio—the Earth summit will not become just one gigantic press conference, I hope it will not become just a script for people that attend.

Two months ago, I spoke at a town forum in Minnesota. I was really proud of the fact that hundreds of people showed up and I spoke with Ambassador Ryan who was head of the U.S. negotiating team for UNCED, and I said to the Ambassador that if this Earth summit is not successful, if we do not take some international collective action that is real, that is concrete, to problems that people care fiercely about, then I do believe that the administration will come in for a tremendous amount of blame, and I do believe that blame will be deserved.

It makes no sense to me that even as I speak today there has been no commitment set to a target and a timetable to do something about global climate change that will have catastrophic consequences for all of our children and for all God's children on this planet Earth. It makes no sense to me that the administration is unwilling to entertain proposals that have the slightest discomfort for large corporations in our country.

So, Mr. President, let me conclude this way: People in our country want action. They want Presidential leadership, not Presidential rhetoric. They want to see specific and effective international agreements, not policy declarations. They want to see a convention to reduce the threat of global climate change, not footdragging and excuses. They want to see a global action plan to conserve biological diversity. They want to see progress toward worldwide reforestation, and they want to see the United States of America make a commitment. And they want commitment to renewable energy production and efficient energy use.

Mr. President, I think this resolution is very important. Normally, I am not a big fan of resolutions because it just seems like we talk and talk and talk. But I really think that in our country there is a real collective sense of urgency and foreboding and people know that if we do not take some action and some leadership as a country at this conference, that we will not be doing well for children and grandchildren and all that follow.

It is an important resolution.

Both my colleague from Massachusetts, Senator KERRY, and the esteemed chairman of the Committee on Foreign Relations, Senator PELL, deserve great credit for their work in crafting this resolution and steering it through the legislative process. I was honored to join them as an original cosponsor.

Mr. President, some may ask "What is at stake at the U.N. Conference on Environment and Development?" What is at stake is nothing more or less than our future—and the world our children will inherit. Anyone who reads a newspaper, or watches television, cannot escape realizing that something ominous is happening to the global environment.

Our atmosphere is changing: The 10 warmest years of the past 100 have all occurred since 1973. While scientists cannot say with certainty this is the beginning of global warming, they do warn us that global temperatures are likely to increase in the decades ahead with potentially catastrophic consequences.

The land is changing: According to new estimates, the land available to support growing human populations is in trouble—an area the size of India and China combined has already suffered serious soil degradation. To clear more land, forests are cut even faster, pushing tropical deforestation rates up 50 percent in the past decade.

Animal species are being lost: Today, in just the United States, over 125 species of birds and mammals are threatened with extinction. Worldwide, if current rates continue, approximately 1.5 million species of animals will be doomed to extinction over the next 25 years—100,000 more than have been named by scientists throughout all of history.

Signs of change are all around us, but not change for the better, ominous changes which threaten the health and stability of the environment, the environment which in turn supports all of us.

The health of the global environment is not a left-or-right wing issue, it is not a business versus consumers debate, it must not become a clash of ideologies. The Earth is home to all of us. The calamities we may face if we do not act know no borders, favor no ideology. Our future is our common ground.

The UNCED Conference comes at a critical time—for the past decade we have ignored these critical problems. As Lester Brown of the Worldwatch Institute observes, we have just passed through a decade of denial, a decade typified by the President of the United States saying that trees cause pollution.

Now, we need a decade of action, a decade of commitment to repairing our relationship with the Earth, a decade of commitment to work with the other peoples of our Earth.

A global diplomatic event of this scale takes time and preparation, issues must be discussed and agreements worked out well in advance of the meeting. The preparations for Brazil began more than 2 years ago.

Two years ago, people said that all of the details would have to be worked out by the fall of 1991, or there simply wouldn't be enough time to reach any agreements in Rio. Now, people around the world are hoping that something can be salvaged to make the June summit something more than an international press event, more than another scripted meeting of world dignitaries.

Despite all of the meetings and all of the work by governments and citizen groups, the action agenda for the Earth summit stands on the verge of collapse. The fourth Preparatory Committee meeting in New York has ended without significant agreements. Now, if the governments of the world care to be responsive to the strong public outcry for action, negotiations will have to be conducted at the conference itself, a difficult and unusual procedure for the United Nations.

Mr. President, 2 months ago at a town hall forum in Minneapolis, I spoke with Ambassador Ryan, head of the U.S. negotiating team for UNCED. I expressed much these same sentiments and several hundred Minneso-

tans drove home the message. The bottom line that I expressed to Ambassador Ryan then is even more poignant today given the failure of the negotiations in New York—if the Earth summit falls, the President will have to shoulder much of the responsibility. The White House has dragged its feet throughout the negotiating process: refusing to admit obvious problems exist, refusing to countenance proposals which might bring the slightest discomfort to American business interests, refusing to make a commitment to providing more than a token share of the resources which will be needed to make efforts toward a sustainable society possible.

The White House needs a wakeup call. By passing this resolution, the senate will send one, loud and clear.

People want action now to address global environmental problems.

People want Presidential leadership, not Presidential rhetoric.

People want to see specific and effective international agreements, not hollow policy declarations.

People want a convention to reduce the threat of climate change, not foot dragging and excuses.

People want a global plan to conserve biological diversity, not studies and delays.

People want to see progress toward worldwide reforestation, not the burning and clear cutting of vast expanses of virgin forests.

People want renewable energy sources and energy efficiency technologies to be given top priority, not scant lip service.

As a Member of the Senate who has followed the progress of the UNCED negotiations, I believe that the United States must not just call upon the developing nations to bear the burdens of protecting the global environment, we must also demonstrate our leadership by changing our own sustainable patterns of consumption. Similarly, the Senate should not just call upon the President to be responsive to the public's outcry for action, we should take action here in the Senate in the weeks and months ahead.

Toward these ends, I have introduced legislation which can move the United States toward real reductions in carbon dioxide emissions—S. 2020, the Sustainable Energy Transition Act. S. 2020 would maximize energy efficiency, triple renewable energy production, and decentralize energy decision making. Drafted with the help and inspiration of a large number of Minnesotans, it represents a 20/20 vision for our future.

Mr. President, I urge my colleagues to support this resolution before us today, and then to join with me in supporting action on S. 2020 and other legislation which will demonstrate our commitment to lead our Nation, and the world, toward a more sustainable future.

Today, in the Senate, we take a small step forward. We issue a call for leadership and action by the President of the United States. Let us all hope, for our sake and that of future generations, that it is not too late.

I thank the Senator from Massachusetts, and I thank Senator PELL for their leadership.

The PRESIDING OFFICER (Mr. ROBB). The Senator's time has expired.

Who yields time?

The Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, I thank the Senator from Minnesota.

Mr. President, I was trying to see if the majority leader was coming.

I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. KERRY. Mr. President, last week the President's Chief of Domestic Policy, Clayton Yeutter, said that the President would go to Rio if it were productive for him to do so.

I think that most of us are left wondering what that really means. It is almost a passive statement that if someone else does not make it productive, we will not fight to make it productive. If it is productive, only then will we go.

Given what we have seen of the negotiations to date, it seems we are not really working to make it productive. So there is a self-fulfilling prophecy here.

I want to pick up something the Senator from Tennessee said earlier about photo opportunities. I think I also mentioned I do not think any of us are asking the President of the United States to go to Rio just to be there and fill the chair. That is not what is at stake here. We do not need another photo opportunity.

We are asking the President to take a policy to Rio, to be the leader, and to encourage this conference to be productive. It is truly hard to imagine, given the nature of the issues that are on the table, ranging from fishing rights, ocean pollution, ozone depletion, which we know is happening, CFC's to biodiversity and global warming, how we could not deem such a conference to be at least potentially productive unless you are simply distant from the whole concept of an international environmental agenda and what that entails.

Global environmental protection is not going to happen by accident. It is not. It is not something that we can leave up to other people. It is obviously a responsibility that we all have to take ourselves. The United States of America, the leading greenhouse gas emitter, ought to be willing to be present and to be part of the process of leading people to discuss how we will develop into the future.

The time has really come for this generation of Americans to carve out a legacy of planning and cooperation that is going to pay dividends long after those of us here in the U.S. Congress have gone and certainly long after the Members of this administration have gone.

This resolution is intended as a wake-up call, Mr. President, beginning with the issue of global climate change. The resolution urges the President to support an agreement that actually reduces the threat posed to the environment by that phenomenon.

I believe there are a number of reasons why the United States should be leading on this issue. The first is obvious. It is compelling. Last year, the Union of Concerned Scientists, in a statement signed by 49 Nobel laureates and 700 other distinguished scientists, called climate change "the most serious environmental threat of the 21st century."

The National Academy of Sciences, testifying before Congress, admitted what the Senator from Wyoming keeps reminding us, which is that there is some scientific uncertainty about the subject, but they, even in the face of that uncertainty, recommended a series of actions that are aimed at providing what they called an insurance policy for the planet. The President's own science adviser, Allan Bromley, assured us that the administration's position was that action should be taken now.

The second reason for our need for U.S. leadership on this issue is that we are, as we have been for decades, the leading greenhouse gas emitter, including carbon dioxide, and there is absolutely no way that you can expect other countries to act without our leadership. And there is not only the benefit that you get with respect to global climate change, there is the very obvious benefits you get, literally billions of dollars worth, in terms of the health of our citizens from the cleaner air that they would breathe.

Third, we can afford to act, Mr. President. We can afford to act because our own inefficiency in the use of energy in this country makes it a lot easier for us to deal with the emission of CO_2. And the National Academy of Sciences has in fact estimated that we could reduce greenhouse emissions by 10 to 40 percent from the 1990 levels at little cost, or perhaps even at a net savings, through conservation and the expanded use of renewable fuels.

Finally, an international agreement to reduce the threat of global climate change is clearly in our interests because the continued lack of guidelines will give a green light to all of the developing nations that they can simply match our past patterns of pollution creation and waste. And make no mistake, if we enter the 21st century with the world population growing by 100 million people a year and no constraints on the release of CO_2, we may

well be signing the death warrant for the livability of this planet.

This resolution does not seek to dictate the administration's precise negotiating position. It does call on the President to support a convention that will actually reduce the threat posed by global climate change, and we leave it up to his leadership to decide how you best do that. But that clearly requires more than a simple commitment to research. It requires more than a commitment to the status quo, and it requires more than vague and indefinite timetables. It requires—in plain English—action. It requires commitment to reduction and to progress.

Now I know we have heard here on the floor today in the debate that there are those in and outside the administration who say: Wait; we have to do more research. We cannot do it. There is no proof of the extent of damage or rapidity of the damage.

But, Mr. President, we have adopted a principle of environmental affairs that if the probability of damage is of enormous consequence, irreversible, and that probability is as great if you do not do something as if you do, then you ought to do something. You take precautions. And I must tell you the very kind of argument we hear, to say let us wait, is very familiar to all of us in the Senate. We ought to think about that. We heard it for more than 10 years with respect to acid rain, and throughout that time, this unproven potential threat poisoned lakes and polluted streams and injured our forests from the Canadian border to the Mason-Dixon Line. And it was not until last year, finally, that the clean air bill passed and we did something about it, and got the administration to say: Hey, maybe there is a problem.

But guess what, Mr. President? Those 10 years of delay probably drove the price tag for doing something up tenfold or fifteenfold. If we had acted earlier, we would not have faced it. There is a cost to putting off hard choices. I could bring up a dozen other examples. For instance, what if we took environmental considerations into account before we built the nuclear production facilities in Savannah River and Hanford and Rocky Flats? Maybe then, we would not be looking at a $100 billion price tag for cleanup today.

What if we had made a commitment and stuck to it two decades ago, after the first oil crisis, to really go to work and develop alternative fuels? What if we had moved to phase out CFC's as soon as we knew the risks, instead of waiting years and years until the hole in the ozone layer not only threatened penguins in the Antarctic, but summer residents in Kennebunkport?

It seems to me there is a simple fallacy at work here that is governing much of what we do in Washington, DC—I call it the Scarlett O'Hara syndrome: Put your head in the sand; avoid it; we will do it tomorrow; it does not matter.

This resolution tries to call on us to worry about this today, and exert the leadership that people expect of us. Between 1960 and 1987, the world's population doubled from 2.5 to 5 billion people. It is expected to double again by the year 2010, hopefully within the lifespans of most of the people here. Ninety-five percent of that growth will be in developing countries. Our planet is somehow going to have a find a way to support those people, and the UN Food and Agriculture Organization estimates that that will require at least a 40-percent increase in farm output by the end of this century just to keep pace. That simply cannot happen without increased risk to the environment through deforestation, soil degradation, desertification, and pollution all resulting from the use of pesticides and other chemicals.

These are facts. These are not subjects for conjecture or future research. These are facts. We know what is happening as a result of those floods that occur by virtue of the deforestation today. We know of the increase of carbon dioxide today by the ripping away of the forest, the burning of them in order to create agricultural land to meet these needs. We are simply not discussing our future, Mr. President, and that is what this resolution seeks to get us to do.

I believe there is much that could come out of Rio, but it depends on the leader of the free world, the President of the United States, who himself stood in the well of Congress recently and told the world that there is now one present, dominant power in the world, the United States of America. And we all clapped.

The question is whether we are going to do more than pat ourselves on the back and applaud? When we are going to fulfill the obligation of leadership and do those things that the people of the world are looking for us to do?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I see the Senator from California would like to speak, and I yield to the Senator from California 5 minutes.

The PRESIDING OFFICER. The Senator from California [Mr. CRANSTON] is recognized for up to 5 minutes.

Mr. CRANSTON. Mr. President, I thank the Senator from Massachusetts.

Mr. President, I strongly support the pending resolution calling upon President Bush to play a more active role in the upcoming Earth summit. The Earth summit—formally known as the United Nations Conference on Environment and Development—will be the first global gathering of heads of state on two issues whose integration is critical to the future of our planet, economic development and environmental protection.

The Earth summit holds the promise of being a pivotal event in human history. Why? Because it is a worldwide recognition that humankind cannot continue on the dangerous course we have followed up to now, in which we gobble up the Earth's resources at an ever increasing rate. The patterns of production and consumption in industrialized countries simply cannot be sustained. Much of the deterioration we see in the environment worldwide is due to these patterns. In developing countries where 80 percent of the world's population lives, population growth and poverty are eating away not only at the resources that sustain life—air, water, food—but at human life itself.

So here we have, with the Earth summit, a splendid worldwide effort on the part of nations to put environment at the center of economic decisionmaking in government, industry, and the family. We have a global recognition that economic development and environmental protection must be integrated if the world is to survive. And we have a united—and, I think, thrilling—affirmation that the best way to save the planet is for all nations to start taking cooperative actions that will begin to resolve the most vexing global issues of our times: Biological diversity, global warming, the loss of tropical forests, poverty, population, agriculture, water, resource consumption rates, debt, and technology.

Maurice Strong, Secretary-General of the conference, put it succinctly, when he said:

> The Earth summit must establish a whole new basis for relations between rich and poor, North and South, including a concerted attack on poverty as a central priority for the 21st Century. This is now as imperative in terms of our environmental security as it is on moral and humanitarian grounds.

Here is a tailor-made role for U.S. leadership in the Earth summit. No other country in the world consumes natural resources, especially energy, as does the United States. We emit more greenhouse gases, including ozone-depleting chemicals. At the same time, we have capabilities in science and technology and an expertise in environmental management that is the envy of the world. And here are great opportunities for projects, for profits, for jobs for the American people. The American people are the most environmentally conscious citizens of any country. Because of all this, the world looks to the United States as a kind of environmental mentor. It expects us to lead.

But as we enter the last weeks of planning for the Rio conference, the United States is not leading. In fact, the biggest single obstacle to the success of the Earth summit may very well turn out to be the United States. With few exceptions, the United States

has vetoed or otherwise blocked proposal after proposal for international cooperation toward sustainable development and for protection of the global environment. In the negotiating sessions prior to the Earth summit, the United States has said no to all proposals that would create new international institutions, require more or new money, call for sustainable management of natural resources in the United States, or to create new or tougher global agreements on a host of international goals. The goals to which the United States says no include limiting international trade in hazardous wastes, curbing the dumping of radioactive wastes at sea, the support of research and development in renewable energy resources and debt reduction strategies for developing countries that will help protect the global environment.

The United States has even blocked the creation of an Earth charter, a general, nonbinding set of principles to guide economic development and protect the environment.

Possibly the most serious case of U.S. stubbornness is our refusal to negotiate goals and strategies for controlling the emission of greenhouse gases. We are the only industrialized country to oppose carbon dioxide caps and new funding. Because of our intransigence, there may not be a climate change treaty signed in Rio. With an international agreement, global CO_2 emissions could be stabilized or actually decreased over the next 25 or 30 years. But if left unchecked global CO_2 emissions will nearly double in the same period. Bear in mind, Mr. President, that industrialized nations account for three quarters of global CO_2 emissions stemming from energy production and use. Yet industrialized nations have just a quarter of the world's population. For developing countries to follow the development patterns of the industrialized world in the emissions of CO_2 would be disastrous.

So far, President Bush has had little to say on the subject of the Earth summit. He has been stonewalling world leaders who are urging him to join them at the summit. More than 70 heads of state and other leaders will be at Rio, and they know that the absence of the President of the United States would severely harm conference chances for success. But President Bush has balked at attending the Earth summit, making him the only leader of a major nation not planning to be there.

Mr. President, in the last dozen years the rest of the world has passed us by on issues affecting the global environment. The United States once had leadership on the global environment. But under former President Reagan and now President Bush, we have not only lost ground, we have emerged as an outright foe of international environmental cooperation. To say that history will not look kindly on U.S. intransigence is a given. But the length and quality of human history may be diminished by the petty, narrow, and selfish posture of the United States in matters of the global environment.

The American people, and the world, deserve better. This is why I cosponsored the resolution introduced by Senator JOHN KERRY and cosponsored by Senators on both sides of the aisle. The resolution calls upon President Bush to play a strong and active role in the Earth summit. It asks the President to cooperate with foreign governments in preparing for the summit and to support international agreements on global warming, biological diversity, and world forests. This resolution deserves the vote of every Senator. President Bush needs to know that the citizens of the United States demand action on global environment issues, not parochial rhetoric that serves narrow political ends.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. Who yields the time? The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. I yield myself such time as I may use.

Mr. President, there is something unappealing about U.S. bashing. The United States remains a world leader in environmental technology and environmental controls. It is absolutely a wrong statement because it is misstated that the United States is the largest polluter in the world. Europe is a larger polluter, and if you are talking about comparable size—of course, Denmark does not pollute as much as America does.

But that is not the point. If people want to find fault continually and persistently with the United States, they can always do it. But I am here to say that I take pride in what America has done in the environmental front of the world. I happen to think that there is no other country that has done a Clean Air Act, that has done so much for cleaning up its water and its rivers, that has signed onto the Montreal Convention that seeks to pass, without the cooperation of some who claim to be in the environmental movement, an energy strategy that could reduce our CO^2 emission a great deal.

The CIS emits more than we do, and they are continuing to pollute. And, Mr. President, if the United States and these vaunted world leaders really wanted to do something that was useful for this environment, they would commit their resources and foreign aid to trying to help these countries reduce their emissions rather than binding and restricting our own economy, allowing India and the Third World to continue on with the release of what they plan. That is really what is at issue here.

Again, I say it is not a statement that is accurate to say that these industrial world leaders have committed to going to Rio.

Mr. President, some would find fault with this country under any set of circumstances. Others would find reason to say that this is a good and decent country that intends to and continually has abided by its commitment and is not willing to sign international conventions mandating the behavior of the United States when others to that party have conditioned their commitment to 1990 levels of CO^2 on economics, on population, and other fudge words. This country is more decent than that, and it has the courage to stand up and say that we believe that there are better, more effective, more appropriate ways of contributing to solving the problems that the world's environment is suffering.

Mr. President, I ask unanimous consent that a study from the Digest of News from MIT, called "The MIT Reporter," saying, "Has the Globe Really Warmed?" indicating very specifically that there is no evidence that it has, and a Wall Street Journal editorial entitled "Chill Out" be printed in the RECORD.

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

[From Digest of News From MIT, November-December 1989]

HAS THE GLOBE REALLY WARMED?

Since the mid-nineteenth century, merchant-marine captains of all nations have been required to log air and water temperatures every six hours for weather services such as the British Meteorological Office. Crews on each watch have hauled water from the sea in standard buckets, dipped in standard thermometers, recorded the data, and, generally, radioed it back. The result is an incredible storehouse of information about global temperatures since the Industrial Revolution.

Reginald E. Newell, Jane Hsiung, and Wu Zhongxiang of MIT, along with colleagues from the "British Met," as they call it, have collected and analyzed these data. MIT Press intends to publish them in the Global Ocean Surface Temperature Atlas. One of the most striking results suggested by the data is that there appears to have been little or no global warming over the past century.

The advantage of ocean readings is that they are not contaminated by urbanization: the growth of structures and roads even in the small towns where many weather stations are located can raise temperatures, Newell explains. Unfortunately, ocean readings are not entirely reliable either. One of the chief problems is that prior to World War II, the buckets for collecting water were made of canvas. As it was hauled onto the deck, the water could be cooled by wind and heated by sun. Christopher Folland of the British Meteorological Office and Jane Hsiung attempted to correct for such problems, for example by measuring the cooling of the buckets at different wind speeds.

Gauging long-term temperature change required more analysis. First, Newell, Hsiung, and Wu needed to measure the cooling caused when volcanoes inject dust and gases into the atmosphere. They discovered an intriguing piece of work that measures the atmospheric "turbidity" from the dust over

the past century. Beginning in the late 1800s, weather stations have used devices known as Campbell-Stokes sunshine recorders that burn a track in a paper card each day, indicating how long the sun was up. Researchers at the University of Mainz in West Germany collected and analyzed numerous such cards, noting particularly the beginning and end of the burn, which correspond to sunrise and sunset. Whenever atmospheric turbidity rose, the burn started later and ended earlier. The weather station in Sonnblick, Austria, almost unaffected by urban pollution at an elevation of 3 kilometers in the Alps, provides a record of turbidity back to 1887.

Newell, Hsiung, and Wu also assessed the periodic change in tropical temperatures caused by the El Niño-Southern Oscillation, a complex of ocean and air currents. Factoring out the effects of the El Niño-Southern Oscillation and the cooling caused by volcanos, they found that global temperatures have warmed by only 0.2°C over the past century, which is within the estimated margin of error. In other words, the results leave open the possibility that there has been no warming at all.

In a paper based on the same data in Geophysical Research Letters, Nicholas E. Newell (Reginald Newell's son) joins the other researchers to examine a third temperature variation: a roughly 22-year cycle of warming and cooling that has occurred since 1856, when the marine data began. This may be caused by the 22-year solar magnetic cycle, during which the sun's magnetic field changes polarity and then returns to its original state. The magnetic cycle is reflected in changing sunspot patterns. When the authors subtract from the basic temperature record all cycles of less than 26 years—the chief one being this 22-year warming-and-cooling pattern—they find "no appreciable difference" between temperatures in 1856 and 1986.

Both studies are at odds with some other research. For example, using land data that attempt to factor out effects of urbanization, James Hansen of NASA Goddard Space Flight Center and Sergej Lebedeff of Sigma Data Services Corp. conclude that the globe has warmed 0.5°C to 0.7°C over the past century.

The conflict is far from resolved. Unfortunately, despite all the models of how global climate may change, there is relatively little funding for research on the actual record. A case in point: though the Global Ocean Surface Temperature Atlas has passed peer review and been accepted by MIT Press, so far no sponsor has been willing to provide the modest subsidy that such a technical book often requires for publication—in this case $60,000.

[From the Wall Street Journal, Nov. 20, 1989]

CHILL OUT

We keep reading that the debate over the greenhouse effect is "settled" and that all "serious" scientists subscribe to it. Such a strong sense of consensus in science is a remarkable thing, no matter what the subject. We continue to wonder, though, if the greenhouse debate is really over.

In January, for instance, the New York Times publicized a study which reported that there has been no warming trend in the United States over the past century. Scientists at the National Oceanic and Atmospheric Administration reported that since 1895, the climate in the U.S. has grown neither warmer nor colder, wetter nor drier. The chorus quickly responded that the U.S. results are an anomaly, and that when a wider sample came in, its theory would be vindicated.

A wider sample has just arrived. Three MIT scientists—Reginald Newell, Jane Hsiung and Wu Zhongxiang—recently processed ocean-temperature data taken all over the world by merchant mariners since the mid-19th century. Their results were summarized in the current issue of Technology Review: "One of the most striking results suggested by the data is that there appears to have been little or no global warming over the past century." The computer models that foretell a greenhouse effect predict that there already should have been about a 1.8 degree rise in global temperature. But that hasn't happened. Also, the uncongenial MIT report has been virtually ignored. Science may still be about surveying all the available facts but, increasingly, public policy isn't.

Today, much public policy, especially as practiced by many environmental advocates, is mainly about making doubters or opponents reluctant to challenge the consensus. Strobe Talbott of Time magazine, for example, recently announced that "no respectable scientist denies" the greenhouse phenomenon.

No doubt, participants of all stripes in the policy game these days have become frustrated at their inability to enact their agendas. What seems to sometimes work, though, is whipping up a kind of mass-media fervor behind one's ideas. The danger in this is that it may cause the public to think that science is now primarily about politics, and in politics about half the people usually think that you're not telling the truth.

NASA scientist James Hansen is widely credited with launching the highly politicized crisis atmosphere around the greenhouse question. Mr. Hansen went before a congressional committee and said that he was 99% sure that the earth was getting warmer, and he had "a high degree of confidence" that warning was caused by the greenhouse effect. This of course got the desired effect—tremendous press play. But some of Mr. Hansen's scientific colleagues were dismayed.

In an article titled "Hansen vs. the World on the Greenhouse Threat," the journal Science reported that Mr. Hansen's colleagues found his greenhouse assertions "unforgivable," largely because of their absolutist certitude. But absolutism ("no respectable scientist denies") is a commandment of modern environmentalism.

Mr. Hansen is a highly respected modeler, but he resists acknowledging the possibility of shortcomings in his computer creation. However as models have begun to grow slightly more realistic recently, the greenhouse predictions have varied enormously. Researchers at the National Center for Atmospheric Research have cut their greenhouse prediction in half. Lacking empirical confirmation of their primitive models, scientists and environmentalists have adopted a fallback position. They say the greenhouse effect may or may not be serious but we should take insurance precautions anyway. But the cost over 20 years has been estimated to run between $1 trillion and nearly $4 trillion.

The final greenhouse argument is that it is far cheaper to address the problem now, than later, when information is more reliable. This recalls to mind the 19th-century scientists who worried that the world was running out of coal.

Maybe there's a way out of this:

Let's put all the relevant policy players in a room together—George Bush, John Sununu, Bill Reilly of EPA, Congress and governors. They'll listen while the top academic climate modelers discuss the available evidence around the greenhouse effect. The public will watch on C-SPAN. And when it's over, the politicians can go before the microphones and tell us what they think is "settled" about global warming and, most important, how much they want to spend on it. We agree with the absolutists. Time is money. Let's settle it.

Mr. WALLOP. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I will just comment that I have not heard one word for one Senator directed at the United States of America. I stand here with as much pride in the accomplishments of the United States of America as the Senator from Wyoming.

Mr. WALLOP. Mr. President, will the Senator yield for just an observation on that? I was speaking in response to the remarks of the Senator from California, which said that the United States was the largest polluting country in the world. I take exception to that, and I find it to be a criticism.

Mr. KERRY. The statement with respect to greenhouse gas emissions from the United States, carbon dioxide and CO_2, is correct country for country. If you want to play games and pick all of Europe and say, hey, Europe has more, that is a different matter. But those are sovereign nations over there still, notwithstanding the European Common Market.

But I want to make it very clear that there is not one bit of criticism here directed at the Nation. There is criticism directed at an administration. And every significant environmental policy that has passed in this institution that now has the name of U.S. policy in the last few years has passed over the objection of the current resident and past resident of the White House.

The Clean Air Act. I was part of those negotiations in the Senate majority leader's office and I remember how they were pulling back day after day from everything we put forward, and even they put forward in public, but to hold on to it in reality was tough. It is over objections that we finally passed much of it.

The Clean Water Act. Most of the significant environmental efforts of this Nation today have been put in place by the U.S. Congress, and the administration has been dragged along kicking and screaming in the process.

So understand, there is not a word of criticism about the Nation here. This is criticism directed at an administration that seems unwilling to lead the Nation and take it where we believe the Nation wants to go in fulfillment of the pride that we have about our policies and our goals and aspirations as a people. I just want to make that very clear at this point.

Now, I understand that majority leader wants to come out to make comments at this time. Rather than sug-

gest the absence of a quorum and lose the time here, I thought I might yield to the Senator from Tennessee and when the majority leader arrives we can accommodate him.

Mr. GORE. I would be happy to do that.

Mr. President, I would just like to continue.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for up to 3 minutes, 27 seconds, total remaining under the control of the Senator from Massachusetts.

Mr. GORE. I thank the Chair.

Following on the remarks just made by the Senator from Massachusetts, even if you take the European Community as a whole and measure the greenhouse gas emissions, they are not close to the United States. The figure is 15 percent of the total for the entire European Community. For the United States, it is 23 percent. The CIS, the former Soviet Union, as a whole, which it is not a whole anymore, but if you take all the former Republics together, that is less than the European Community. So the statement that the United States is by far the largest contributor of greenhouse gases to the global atmosphere is simply a fact.

Again, any criticism implicit in noting that fact is the lack of leadership by President Bush to address that problem.

The Senator from Wyoming is also correct when you look at the subject of pollution. There are some categories of pollution where we have made more progress than anybody else in the world. The Ukraine, as one republic, used to emit eight times as many particulates at low levels than the entire United States of America. In fact, environmental problems can be categorized in three categories, much as military conflicts are. Military historians speak of local battles, regional theatres of action, and global or strategic conflicts like World War II or the cold war. Environmental problems are much the same. We spend a lot of time talking about local air pollution or water pollution problems and most of our laws have been addressed at those local environmental problems. We have recently begun to deal with regional environmental problems like acid rain.

But what is new and what the Earth summit is all about is this new category of global environmental problems, strategic in nature, which must be addressed. The relationship between human civilization and the Earth's ecological system has simply changed because of the population explosion, the scientific and technological revolution, and our assumption that we are somehow separate from the Earth.

I want to also comment on a statement made earlier by my friend and colleague from Wyoming that Japan has conditioned its commitment to stabilizing at 1990 levels by the year 2000 to a per capita requirement. That used to be their position. In fact, they had a two-headed position; one advocated by MITI, which was as the Senator described it; the other advocated by the environment ministry. Actually, there was a huge public controversy about this in Japan. The ruling party had a convention, they had hearings, and they publicly changed their position. And then the Japanese Government's position changed, and it is no longer conditioned on a per capita requirement because public opinion forced them to change.

Public opinion is having an effect here, too, and I would urge President Bush to interpret the results of this resolution carefully. You know the old Sherlock Holmes story where the mystery is solved by noting the dog that did not bark. Well, if the President is trying to understand whether or not he should go to Rio, he should not the fact that with the exception of——

The PRESIDING OFFICER. The time controlled by the Senator from Massachusetts has expired. The time allocated to the Senator from Tennessee has expired.

Mr. WALLOP. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. GORE. I appreciate the generosity of my colleague, especially since I am making a point which has a partisan overtone. But it really has a stronger bipartisan overtone because I was just about to note, for the benefit of President Bush, that at least at this late stage in the debate, while there have been impassioned speeches here and able advocacy by the manager of the bill, with the exception of the advocacy of the able Republican manager of the bill, we have not heard from the other side. That is fine, but I think it reflects the opinion of the American people that they want to see this Nation provide leadership on these global environmental issues. They would like to see President Bush be at the Earth summit.

Mr. President, do not embarrass the United States by letting every other leader in the entire world go to this historic meeting and President Bush be the only leader not there. I compliment my colleagues on the other side of the aisle by sending, through their relative silence in this debate, what I think is a message just as powerful in its way as the statements by the able manager of the bill and by others who have come to the floor to speak.

Mr. President, I suppose I have used up the 1 minute yielded by my colleague and I appreciate that.

The PRESIDING OFFICER. The time allocated to the Senator from Tennessee has expired. Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, when the majority leader returns, I will be happy to yield some time to him.

Mr. President, this resolution does not call on the President of the United States to attend the Rio summit. So whatever message he may be taking from this, at best, nonbinding resolution is up for some interpretation. It does call on him to exercise leadership in the negotiations.

I think, Mr. President, that he has done exactly those two things and continues to do them. I would say again that the President of the United States has really prevented the industrial world from capitulating to the developing nations, a Group of 77. I do not know what American here wants to trust the fate of America to 77 countries' decisions on the development of their economies and the control over our environment when their commitment is not to control theirs. That just does not seem to be an unreasonable position on the part of the President of the United States, notwithstanding all the hyperbole that has continued to be raised about this issue.

Now, Mr. President, I would take issue with one other thing that was stated by the able advocates of this resolution, that the President resisted the Clean Air Act. I happened to have gone to Wyoming, with the Grand Teton Mountain in the background, and stood there while he announced it as the centerpiece of his first administration. It was a bill that was introduced with and by the administration's cooperation.

Now, yes, others wanted him to go further than he wanted to go, but it is not an accurate statement to say that he had this bill forced on him. He had provisions of the bill forced on him and some of us are learning to live with that right today because the science in the EPA is a bad group of science on the whole. They tend to launch off on conclusions which they then seek various means of justifying through really what I think can best be called manipulative science.

I just point out this Senator has been, and was from the very beginning, fighting the arguments with regards to asbestos. And now the EPA has changed on that, having cost a school district in my State 2 years with their students out of the classrooms, created more hazard for everybody that was around that school by tearing all the asbestos out. And now they come to the conclusion that in place it is safer than being removed. It cost that school district well over $1 million. Now, Mr. President, that is not much in the Senate. One million dollars is hardly a noticeable figure. We cannot get down to that few zeros and make sense of it. But in a school district in Wyoming it means real money, it is real education, and it was spent on real frivolity, on bad science and scare tactics.

Now the EPA seeks to do the same thing with radon. We have billboards in my State warning people of radon, but the statistical evidence on radon simply does not bear out the level of threat and expense that they seek to place on this economy. So these are the kinds of things that we can do to ourselves. They can be fought out, and ought to be within the democratic processes of the Senate, the House, and the election arena.

But, Mr. President, signing a binding convention that creates obligations that are real to the United States is a different story. And the President has been exactly right to say go slow, take care what it is that you are trying to get us to do.

If indeed CO_2 is the only greenhouse gas worthy of control, then it is worthy of control in the Third World and developing world as it is here. But to give India, China and others, free license to belch out as much CO_2 as they can while controlling our own economy is simply not a very sensible thing to do, whatever the ultimate goal of that treaty might be.

If the ultimate goal is worthwhile and to reduce CO_2 as one of the greenhouse gases, then by all means let us do it. And we have, Mr. President. We have. We are trying yet to do still more of it in the energy strategy. But it pays, Mr. President, to walk these lines slowly and prudently.

Nobody is saying by being prudent do we have to ignore the environment. Nobody is saying that by walking slowly and prudently are we not leading because, Mr. President, I say again, no other country has done so much to control the environmental hazards existent within their society as has the United States, and continues to lead in that world.

We do not have to have the President of the United States at the conference in Rio being shouted at by Third World countries, and used for propaganda purposes of an international environmental movement which seeks to control the democracies of the world. I happen to believe—and I have no idea what the President of the United States thinks on this—that he is right in exercising caution and making a judgment as to whether, I will not yield.

I have been very generous with the time from this side. I even allowed lots of time to be dealt out of our hand to heap abuse on our President. I am willing to allow the majority leader to heap his abuse, because I know that is what it will be. But I do not see why I should yield for others to do it any further.

Mr. GORE. The Senator has indeed been very generous, and I appreciate it.

Mr. WALLOP. Mr. President, does the Senator from Washington wish any time in particular on his amendment?

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

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

Who yields time?

Mr. SIMPSON. I would request 3 minutes.

Mr. WALLOP. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Wyoming controls 13 minutes 3 seconds.

Mr. WALLOP. Mr. President, I yield 3 minutes to the Senator from Wyoming, and then when the majority leader comes, I am willing to yield to him. But I would wish to reserve 3 minutes for the Republican leader as well for his planning information.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I want to thank my colleague, my friend from Wyoming, my friend for many, many years. I thought his remarks were terribly important and very valid.

There is certainly a great deal of extraordinary exaggeration in my mind about global climate change. I am fully aware of issues like ozone depletion. We can all listen to that one, and we can hear that. But when you get into global climate change, it seems to me in my life here, in the 13 years, there are many, many self-proclaimed experts outside this body, prophets of doom, who describe our impending doom, declaring that President Bush does not care one whit about the environment. That is so tedious to listen to.

The fact is we still do not adequately understand how our global climatic system works. We are just beginning to understand the control and feedback mechanisms in the atmosphere and in the ocean. Climate models remain in a very primitive state. They continue to be refined. But they cannot give us the quality of information that we need to make wise policy choices.

I think what I find most troubling about some of the statements that we hear about the White House and the environmental policy is that memory seems to be so very short around here. It was the President who broke the legislative logjam that stalled the Clean Air act for 10 years.

I sat in the committee and watched us pass that kind of legislation every year, just to win brownie points with certain groups around America. They knew it would drop dead right here at the desk, and never get one bit further—and never did. What did they think would happen to it? It was an unrealistic piece of legislation that died right here at the desk until George Bush and this administration brought it to life.

What he does not want to do is proceed with some half-baked global climate change policy that would not work and would have a very deleterious effect on the economy of the United States while having a benefit to other countries that we compete with. That is the reality in the midst of these times, and jobs, and things we always hear from other side.

Yes, the Earth's climate is changing, and for heaven's sakes it has been changing since the beginning of time. There have been cycles of ice ages and warming long before industrial activity ever began. When are we going to recognize that nature plays the biggest role in climate changes?

We do know that CO_2 can trap heat. No one denies that. But that is one fact and one fact only, a little tiny part of the total climate equation.

I noticed that in the March 20 issue of Science magazine we have a story about the great salinity anomaly. I bet no one in this Chamber has ever heard of that phenomenon.

So, if someone will share with me their remarks about the great salinity phenomenon or anomaly, I will begin to compile some notes on that. It talks about a giant pool of unusually fresh seawater that has been circulating in the North Atlantic. That is a recently discovered factor affecting global climate. The modeling equipment we used did not even deal with atmospheric changes the last time.

I am just saying that in my time in this body and outside of this body, I heard from those who spoke a few years ago that we were headed for a new ice age. I remember that the ice floes would build up in New York and finally crush everything back into Central Park. That was only 20 years ago. So, Lord knows what we are going to get in the next 20 years. I certainly want to be around for it all.

Thanks so much.

Mr. WALLOP. Mr. President, I believe that the Senator from Tennessee wanted to make an observation about my view that the convention would cap the emissions of the industrial countries but not those of the developing countries.

I say, again, if the majority leader wishes to speak on the time of the Senator from Wyoming—and I know he has leader time—I do intend and I wish the Chair to say when 3 minutes remains, because I wish to reserve that if the Republican leader is here.

The PRESIDING OFFICER. The Chair reminds the Senator from Wyoming he controls 8 minutes and 1 second.

Mr. GORE. Mr. President, I really appreciate the generosity of my colleague from Wyoming.

I wanted to say that the part of the point he made earlier that I wish to

identify with is this: If the United States not only stabilizes emissions but reduces greenhouse gas emissions by 50 percent, and if every other industrial country also reduces greenhouse emissions by 50 percent, and the developing countries continue on their current path, then worldwide greenhouse gas emissions will, by the year 2030, increase by 250 percent.

So I say that, in my opinion, part of the Senator's point is not only valid but a central fact in this entire debate.

Where I would urge the Senator to look a little bit differently at this issue has to do with this question: How do the industrial nations, with the leadership of the world, the technological capability that we have, provide the kind of leadership that increases the odds of the developing countries moving off that path on to a different one?

The Senator from Wyoming used China as an example. When we adopted the Montreal protocol and limited CFC's, China refused to have anything to do with it, saying that the industrial nations created that problem disproportionately.

Why do we not deal with it? We began to deal with it and applied a different standard to the nations of the industrial world and to the developing world.

Now, after we have begun to meet those commitments, China is prepared to sign the Montreal protocol. This same basic pattern is contemplated in the global climate change agreement.

I urge my colleague to consider how we, as a nation, best provide the kind of leadership that is necessary to deal with the developing world's contribution to that spike. I appreciate my colleagues' appreciation to this debate and, again, I appreciate his generosity.

Mr. WALLOP. Mr. President, I would observe that were the United States to be more articulate and more imaginative in the use of its foreign aid, we could do more for the global climate with existing U.S. technology that controls emissions—both sulfur dioxide and carbon dioxide—than we can by signing this treaty and binding ourselves to a circumstance that the other cosignators will not, I assure the Senator, abide by, notwithstanding that the factors in their announced positions are still too great. The fudge factor in Europe's position is still too great.

This is a Senator who has not been an admirer of the arms control process because it has bound our country in more changes than it has bound the signators with whom we entered into those agreements. I would prefer a country that lives up to and abides by its commitments. I do not want this country to change in that, which is why I, along with others, urge the President to be exceedingly cautious in what he binds us to when entering into agreements. Because the other new way of traveling through this veil that we have now designed is basically to say that the Senate does not have a role in the ratification of treaties anymore. We do that, and if we fail to do it, we are bound by it anyway.

I point to a specific instance, the SALT II Treaty. It was not a good treaty, not well drafted, but we became bound by it, and we also became bound by a majority vote over it. The House of Representatives entered into that process.

Mr. President, I am saying that it is, therefore, very, very wise of the President of the United States to be cautious about the change that he wishes to bind our economy and our population under. I think he is doing that. I believe that he has a commitment—and he has stated it on more than one occasion—a commitment to the climate change negotiations.

But that does not say that by having a commitment to it, that he must capitulate to it. What he is saying is that this is a negotiation, not an obligation, which is bestowed by the Group of 77. This is something that was supposed to be negotiated. It is again, I say, not part of the UNCED agreement.

The majority leader is not here, and neither is the minority leader.

The PRESIDING OFFICER. The Senator now has 3 minutes remaining in his time.

Mr. WALLOP. I appreciate that. In the process, I hope that the Republican leader will come down for a closing remark on this.

Continuing, Mr. President, the UNCED Conference can take place without either the reforestation agreement or without the environmental agreement. These are separate processes to UNCED.

The presence of the President of the United States or these mythical world leaders, whose commitment has not yet been laid on the line, but it has been suggested, is really a commitment that is about like the other ones that would be required under the treaty as it is currently drafted, binding us to the extent that it does, and freeing the Group of 77.

Mr. President, this is simply not wise. There are better ways of achieving the same goal. One of the ways is negotiating the treaty more appropriately, and another way is using the leadership of the United States with regard to our own emissions as an example for Europe to follow and as an example for other nations of the world to follow, and continuing to negotiate. But negotiating does not mean capitulating, and that is apparently what the advocates would seek to have happen.

Mr. President, I again support that the President of the United States is on a correct and responsible path, and that it has been difficult for him to maintain that path given the level of propaganda, innuendo, and misinformation that has surrounded that activity. But I hope when the Americans take a look at it, that they think it would be wise for their President not to be down in Rio being bashed by the Group of 77 for failing to commit this country and other countries like ourselves in the developed world to being bound by change which will not have any effect whatsoever on the economies or the emissions of the Group of 77.

Mr. President, I note that the hour of 12 has arrived, and my time has expired.

Mr. WOFFORD. Mr. President, I rise in support of Senate Concurrent Resolution 89, submitted by Senator KERRY, and join my colleagues in urging the President to play an active role in the upcoming U.N. Conference on Environment and Development to be held this June in Rio de Janeiro, Brazil. As a member of the Committee on Foreign Relations as well as the Committee on Environmental and Public Works, I believe that the United States must take a more active leadership role in protecting the global environment.

The Earth summit conference is an extraordinary event in the history of international relations. It comes at a pivotal moment in our efforts to protect the future of our planet. The participation in this conference by so many nations sends a very powerful message: that without unprecedented levels of international cooperation, we will be unable to reverse the alarming trends toward degradation of our environment and depletion of our natural resources.

The issues to be addressed at the U.N. Conference are global in scope. They require an international response. Whether we are talking about global climate change, deforestation, loss of biological diversity, or ozone depletion, the international community must work together to develop shared goals and new partnerships to achieve them.

A coordinated response is our only real hope to efficiently and effectively carry the burden that our existence has increasingly placed on our fragile planet. This U.N. Conference offers a great opportunity to engage both industrialized and developing countries in a dialog that's critical to our future.

Without question, the success or failure of the conference will in large measure be determined by the role that the United States chooses to play.

If we are truly the leader of a new world order, then we must act like it. Not just with military might, but with scientific might and social invention. If the cold war has been won for freedom and democracy, we must not lose the peace through the pollution of our air, land, and seas.

The health and wealth of our children depends on our ability to restore and preserve a stable global environment. as a cosponsor of this resolution,

I strongly urge the President to place America at the forefront of those nations who are ready to make a commitment to the long-term survival of our species and our planet.

Mr. LEAHY. Mr. President, the U.N. Conference on Environment and Development, otherwise known as UNCED or the Earth summit, is rapidly approaching. It is set to open in Rio in June, and representatives and leaders from over 160 countries are expected to attend.

The UNCED offers the United States an unprecedented opportunity to show world leadership on the most pressing issues facing the planet. Senator GORE and other have spoken eloquently about the historic importance of this event. Never before in history have so many countries, both industrialized and developing, from south and north, come together to find solutions to problems that, left unsolved, will imperil the future of life on Earth. Never before has the need for such a meeting been so urgent.

I have many ideas of my own on the subjects that UNCED should address—exploding population growth in the developing countries that is putting unprecedented pressure on the environment, global warming, destruction of forests, ocean pollution, loss of biological diversity—the list is endless and growing. Many of these issues have been the subject of hearings and legislative action by the Foreign Operations Subcommittee. In the past 3 years we have significantly increased funding in these areas. But despite our best intentions these efforts have been like treating cancer with cough medicine. The only hope for solving these problems is a global effort on a scale far exceeding anything done before.

Mr. President, the two grayest threats to our security, and to the world's security, are the proliferation of weapons of mass destruction and the destruction of the Earth's environment that is proceeding today at a record pace. Could there be anything more tragic, more ironic, than for humanity to destroy, by our own thoughtlessness and greed, the possibility of life for all species?

That is what has been happening over the course of this century, and the process is accelerating as I speak. The same shortsightedness that virtually wiped out the millions of buffalo that used to roam the Western Plains, is destroying countless other species today. Millions of tons of raw sewage are emptied into the water of this planet every day. Millions of tons of poisonous chemicals are released into the air we breathe. Vast areas of precious agricultural land are lost to development, at the same time the number of mouths to feed is doubling in less than 40 years.

What will it take for us to act? A hole in the ozone so huge that rather than save the billions of dollars we would otherwise waste on star wars, we spend it on an equally pie in the sky contraption to shield us from the Sun? A nuclear accident that dwarfs Chernobyl, only this time in Maryland or Virginia? Air pollution in Washington like Mexico City today, where the smog is so thick you cannot see to the next block and just breathing the air is life-threatening?

I cannot accept that we are so blind, so incapable of reversing this slide toward catastrophe. Is it not painfully obvious what can happen, what is already happening, if we continue to avoid the hard choices?

The fact is that unless the United States puts its full weight behind the UNCED, it will fail. Oh, there will be interesting meetings and thoughtful ideas exchanged and plans for more meetings. I do not question the value of that. But time is running out. These are not problems that are going to simply go away. We already know a great deal about what we are doing that is destroying our environment—what is needed is a major commitment of resources to save this planet. We cannot afford anything less from such an historic meeting that has taken years to plan.

So far, that leadership has been wholly lacking from the administration. It has refused to pledge more aid to the developing countries that are already billions of dollars in debt and cannot afford the high costs of protecting the environment, or to set limits for emissions of gases that contribute to global warming—the only country that has opposed such limits. It continues to drag its feet on an agreement to stabilize the Earth's climate, yet the United States is by far the largest contributor to global warming.

Mr. President, this administration's record on the environment can be one of its greatest achievements or worst failure. So far, it has distinguished itself only for being long on rhetoric and short on results. UNCED is an opportunity to change that.

President Bush often refers to America's greatness. He reminds us that we are the leader of the free world, the only superpower. But leadership means more than having the strongest military or the biggest economy. We are also the largest consumer of the Earth's finite natural resources, and we have made many environmental mistakes ourselves which we are going to be paying for for years to come.

The President needs to choose. Does he continue to side with the big oil, coal, utility, and automobile lobbies, that oppose any targets or timetables on global warming? That support an agreement only if it is so watered down it does not require them to do anything? that want more studies, more reports, more analyses of what we already know, more of the same go-slow approach that simply postpones the inevitable and drives up the cost of switching to cleaner technologies?

Will the President continue to hide behind that worn out argument that is the mainstay of his Council on Competitiveness—that the only way to have a strong economy is to be antienvironment and antigovernment intervention? Has he learned nothing from the billions and billions of dollars we are spending to clean up polluted rivers and toxic waste dumps, thanks to industry negligence and greed? Are we going to saddle our children with huge environmental and medical bills, because the President cares more about politics than pollution.

Energy conservation investments have already proven profitable in their own right. If we do not aggressively develop these technologies today, our industries will fall farther behind tomorrow. The Japanese and the Germans and our other competitors are already investing heavily in energy efficiency and renewable energy technologies. They know that in the long run it makes good economic sense, as well as environmental sense, to cut carbon emissions. Our own energy use is so riddled with waste and inefficiency that we could realize huge savings today, as well as in the future.

Do we care more about the price of oil and the profits of the fossil fuel industry and utility companies, than our health and our children's health and the health of the planet? Are we willing to spend billions to restore the Emir of Kuwait to his throne, but not to stop the poisoning of the environment?

I appeal to the President to seize this opportunity. This is not a question of being able to shift responsibility to other countries. This is not a question of whether it is just in our interest, as opposed to some other countries' interests. The air and water we breath and drink do not respect national borders. The problem is global. The solution is global.

The American people want a clean environment and they are sick and tired of their own Government dragging its feet. This past weekend, there was agreement among the UNCED participants that no nation has the right to pollute areas beyond its borders. That is an important step. But, because of U.S. stonewalling, there was no progress on the central issue of who will pay to clean up the environment. President Bush should go to Rio himself and he should announce that sooner, not later. He should let the leaders of the other countries know that the United States is ready to join them in far-reaching steps, backed by our share of resources, to implement the UNCED agenda.

Mr. CHAFEE. Mr. President, whether you believe the greenhouse effect has already begun or has not yet begun is

not the point. Recognizing that there will always be scientific uncertainties, our challenge is to develop an action plan that avoids making the problem any worse while we work to resolve the uncertainties.

At the very least, we will have to change the way we use fossil fuels and to stop the destruction of forests around the world.

A couple of years ago, I visited Brazil where my colleagues and I met with numerous government officials, scientists, and citizens concerned with the related problems of deforestation and the greenhouse effect.

One of the lessons I took away from those talks was that a crucial element of any international plan to solve these problems must be a recognition of, and respect for the sovereignty of each nation. We must also appreciate that the pressures on developing countries that are trying desperately to improve the standard of living for millions of impoverished and frequently homeless people, are much different than those facing the industrialized world.

The lesser developed countries have many problems that demand their immediate attention. To many of their government officials, environmental protection is a luxury only to be addressed in the long term after they have dealt with housing, health care, education, jobs, food. Sao Paolo is a sprawling urban center of 16 million people. The problems there overwhelm Brazilian officials and the preservation of the rain forest slides down their priority lists.

An additional problem is the fact that developing countries are suspicious of our motives. They see how the industrialized nations have expanded and developed at the expense of the environment. Now, suddenly after we have gotten ours they hear us telling them that the world's pollution quota has been used up and they cannot develop.

No one can deny that we in the United States of America need to do a better job in our share of protecting the global environment. We do not come to the table with clean hands. The threat of global climate change as a result of the greenhouse effect is a good example of this problem.

Yes, Brazilian deforestation contributes to the greenhouse effect in two ways. First, the burning of trees and other vegetation releases tremendous amounts of carbon dioxide. Second, deforestation eliminates trees which previously absorbed carbon dioxide produced elsewhere. As trees grow they absorb CO_2 and hold it until they decay or are burned. This absorption capacity is called a "sink". The oceans are the other major sink for CO_2.

But destruction of the Amazon only contributes an estimated 7 percent to the greenhouse effect. By comparison, the United States is responsible for more than 20 percent of the greenhouse effect through our automobiles and wasteful use of electricity which we demand. It is produced—usually by burning coal or oil.

We cannot sit here and point fingers or assign blame. If we expect to have any credibility with Brazil and other developing countries, we must:

First, reduce emissions of carbon dioxide and the other greenhouse gases, such as methane; and

Second, stop the destruction of our old growth forests.

At the same time, we need to make our best technologies available to developing countries so that they may develop without repeating the mistakes of our past.

Shortly after Jose Lutzenberger, a world famous environmentalist, was named Brazil's Secretary of Environment in 1990, I had the pleasure of hearing him speak.

Mr. Lutzenberger referred to the developed countries as the overdeveloped countries. He makes an excellent point when he notes that our planet cannot afford to have the entire world develop in the excessive manner that the industrialized nations have done to date.

For example, consider private automobiles. Today we have 350 million private cars in the world. If all of the developing countries were to duplicate the level of automobile ownership that we have in the United States, Europe, and Japan, that number would not be 350 million but nearly 3 billion private cars. When you extrapolate to the next 30 or 40 years, when the world population is projected to reach 10 billion people, the number of cars would increase from 3 to 7 billion private cars. It is unthinkable to have a planet with that many cars spewing carbon dioxide and other pollutants into the atmosphere.

I am confident that, just as we have managed to make tremendous progress on our domestic environmental agenda, we will succeed in meeting the new challenges that are presented by the global environmental agenda. Yes, we have our problems, but we can deal with them and turn them into opportunities. The Rio conference will start us on the road to solving these problems, to meeting these opportunities.

Mr. HOLLINGS. Mr. President, I rise in support of Senate Concurrent Resolution 89, which encourages the President to play a strong and active role in the U.N. Conference on Environment and Development scheduled to be held in Rio de Janeiro in early June. This is a critically important meeting being held at a critically important time. I am proud to be a cosponsor of this legislation expressing the Senate's support for the UNCED process.

The UNCED meeting in Rio—referred to as the Earth summit—represents a unique opportunity for the nations of the world to commit themselves to address a whole host of global environmental problems—global warming, ozone depletion, deforestation, acid rain, desertification, and sea level rise. It is a change to forge a global agreement on what needs to be done to protect our planet and assist developing nations as they struggle to provide for the needs of their people.

This will not be easy; over 100 nations will be represented at Rio, each with its own, often conflicting, needs and desires. Yet, there is agreement on some key points: First, the Antarctic ozone hole and the accelerating rise in atmospheric carbon dioxide levels show clearly that pollution is no longer just a local or regional problem, but is now a global one; second, global environmental problems will affect every nation—we are all in this together; and third, addressing problems like greenhouse warming and deforestation will require an unprecedented amount of international cooperation and coordination.

Although the United States is the world's largest producer of carbon dioxide, we cannot stop greenhouse warming all by ourselves. As this resolution and the UNCED process make clear, there must be coordinated, international action. That action is required on several fronts. We need to continue to reduce emissions of ozone-depleting chemicals like chlorofluorocarbons. We must improve energy efficiency. We must ensure safe and ample water supplies, particularly in the developing world. We must take steps to slow deforestation and the frightening loss of biodiversity around the world. We need to reduce indiscriminate dumping of toxic and nuclear wastes.

Fortunately, there are ways to meet these challenges, if we make the necessary long-term investments, and if we have a coordinated international effort. According to an article by William K. Stevens in the March 17, 1992, issue of the New York Times, new studies are showing that the nations of the world can actually save money by taking steps to reduce their emissions of carbon dioxide. These studies indicate that by improving their energy efficiency, and making more with less, companies can become more competitive in world markets. There may be short-term costs for new equipment, but in the long-term, the benefits outweigh the costs—even before counting the benefits of protecting the global environment.

The United States has an important role to play at UNCED. It can provide technological leadership—showing what state-of-the-art technology can do to reduce emissions of greenhouse gases. And even more importantly, it can provide political leadership, showing that this country recognizes the seriousness of greenhouse warming and is willing to take action to address it. I

urge my colleagues to support this resolution.

Mr. DODD. Mr. President, I rise in strong support of this resolution, and I want to commend Senator KERRY for his hard work on it. This is an important issue that deserves our immediate attention.

Mr. President, the resolution before us is a simple one. It does not change U.S. law, nor is it binding on the President. It simply expresses the sense of the Senate that the President should play an active role in the upcoming U.N. Conference on the Environment and Development. Up to this point, unfortunately, the President has not shown much interest in doing so.

Mr. President, just over 1 year ago, the world watched in horror as a madman by the name of Saddam Hussein unleashed his violent brand of environmental terrorism upon the Persian Gulf region. Sadly, massive oilspills and burning oil well fires are not the only threats to our global environment. For years we have been facing the threat of global warming and a rapid deterioration of the ozone layer.

The evidence is clear and unmistakable, Mr. President. In testimony before the Senate Commerce Committee a few weeks ago, several well-known researchers offered compelling evidence that the mean global temperature has increased between 0.3 and 0.6 degrees Celsius since 1890. Indeed, the last 2 years have been the hottest 2 years on record.

By the year 2100, the predictions are that temperatures could increase another 5 degrees or more, reaching levels unmatched in more than 60 million years. That may not seem like much to the average person, Mr. President, but consider this: today the average mean temperature of the Earth is only 5 degrees warmer than during the last ice age. If temperatures continue to climb, many cities will be buried in floods as a result of the partial melting of the polar ice caps.

As for the evidence of the breakdown of the ozone layer, scientists have been tracking this phenomenon since the year 1973, when researchers first discovered the damaging impact of chlorofluorocarbons, or CFC's. Until recently, however, the debate has centered over the ozone layer above the North Pole, and parts of the Southern Hemisphere.

But 2 months ago, NASA scientists warned that a hole in the ozone layer could open up over New England as soon as this year. In fact, the scientists reported, during one period at the end of late January the ozone layer over the region was being eaten away at the rate of 1 to 2 percent per day. Suddenly, Mr. President, ozone is an issue all of us must confront.

The health effects of reduced ozone are already being felt in the Southern Hemisphere, where researchers are reporting a dramatic increase in the number of cases of skin cancer and other Sun-related disorders. In some regions of Argentina, families are urged to keep their children inside during the peak summer months. Scientists believe that by the year 2000, ozone depletion will have caused an additional 1.6 million cases of cataracts per year and 300,000 new cases of skin cancer.

In the face of this compelling evidence, what is the reaction of the President of the United States? It is almost to pretend the problem does not exist.

On global warming, the President announced 2 weeks ago that he would oppose an international agreement setting specific timetables and targets to reduce emissions of greenhouse gases such as carbon dioxide. On the ozone layer, the President announced 2 months ago a modest speedup in the timetable to eliminate CFC's—a day late and a dollar short, in the view of many.

Finally, Mr. President, we still have not heard confirmation from the President that he will be an active participant in the U.N. Conference on the Environment and Development in June of this year. This conference, to be held in Rio de Janeiro, will be the first of its kind. It represents a critical opportunity for the world to speak as one on these important problems.

Sadly, the President of the United States refuses to take the lead when his leadership is needed most. The leader of the new world order—the man who summoned 29 nations into battle against Iraq—is being dragged almost against his will into this all-important fight. It is a disheartening sight, Mr. President.

So Mr. President, it is regrettable that today we consider this important resolution. I say regrettable not because I disagree with its intent—to the contrary, I think it is a fine resolution. But I fail to see why it should take a congressional resolution to get the President to take the lead on this issue. And I don't understand why it should take the admonition of the entire world to shame the President into action.

Mr. BIDEN. Mr. President, 4 years ago, President Bush promised that he would do battle with global warming, using the White House effect to fight the greenhouse effect. Now we have before the Senate a resolution urging the President to support international efforts against the greenhouse effect and other global threats. The White House effect is nowhere to be found.

The opportunity that is slipping away is the international conference in early June in Rio de Janeiro in Brazil. The President's delay in commiting to this battle stands in sharp contrast to the actions of other world leaders. Dozens of countries have strived to make the conference a success. But they have watched as the United States has paused, sat silent or sought to weaken progressive proposals.

The White House effect has served to scuttle the talks, not to promote them. The administration's actions to date are minimalist in nature at a time when bold leadership is deperately needed. And they are self-fulfilling in their effect. I will not be surprised if the administration argues that the President will not attend the conference because it failed to reach a break-through agreement, completely ignoring its own role in all but making sure a meaningful agreement was not reached.

But I would also like to highlight other arguments that have been made against the entire process. The arguments need to be highlighted because, while they appear reasonable, they lay the groundwork for opposition any action on global warming in the future.

First, a dangerous distinction has been created, one that claims we should be concerned about harmful climate change. This distinction creates a theory of good climate change and bad climate change. Acceptance of this premise is a cover for no action of any kind on climate change.

If one accepts that some climate change will have beneficial effects, then we are left in the preposterous situation of believing we can pollute our way to a better future. The good climate change proponents would have us believe that with just the right mixture of sulfur dioxide, CFC's, carbon dioxide, and perhaps a healthy dash of deforestation, we can make our winters warmer, control droughts and extend growing seasons.

While these types of changes are expected under most global warming scenarios, the notion that we can somehow control climate changes so that they are all beneficial to mankind is absurd, as is the notion that with just the right amount of pollution, we can offset warming trends.

These are not the only fallacious arguments that arise. Several predict destruction of our domestic economy if we take action on global warming. One underlying belief for these arguments is that economic growth and energy consumption must move in lockstep. Therefore, any programs that call for reduced energy consumption is destined to lower our standard of living.

A decade of proof shows this argument is a false one. In the years from 1972 to 1988, our Nation's gross domestic product grew by more than 55 percent, but energy consumption rose by only 10 percent. We managed healthy economic growth with increased energy efficiency and conservation. But opponents of action on global warming would have the public believe that we must waste energy to be productive.

Beyond the deceptive arguments used by those who would do nothing on glob-

al warming, it is important to understand the science that is driving this issue.

No one asserts that scientists fully understand our world's ecosystem and how global warming could affect each region of the planet. But they do know that undeniable changes are underway in our atmosphere. Concentrations of carbon dioxide are rising inexorably. CFC's are found in the highest reaches of our atmosphere above the most remote regions of the globe. Methane levels are rising.

All of these will have an effect on nature's systems. Any doubts about that should have ended with the discovery of serious thinning of the ozone above Antarctica. The ozone hole shows that man can and does affect the atmosphere, that pollutants do not conveniently disappear as some would wish.

That is the basis for concern about global climate change—that the cumulative effect of each of our actions could have severe effects on our planet's and children's future. The Earth summit is a first step toward fending off catastrophe.

The conference in Rio in June represents an effort by 160 nations to develop a system to deal with this potentially devastating problem. But nothing will happen unless the United States decides it should move forward. That is the position we are in as a superpower and as the single largest source of greenhouse gases. And it is in this position that our representatives, under direction from the administration, have failed.

The contrast is stark between our role in the Uruguay round of trade talks, and the talks leading up to the Rio Conference. In the Uruguay round, the President and the administration have been very active, very assertive in pushing for an agreement. They have attempted to browbeat laggards in every forum possible to settle remaining issues. And they have refused to give up on the process. Without the administration's determination to reach an agreement, the talks would have collapsed long ago.

But with the Rio conference, it has been silence. Almost nothing productive has come forth from the administration. Reports from the talks constantly cite frustration on the part of not just developing nations, but also other industrialized nations that support action against global warming.

The contrast shows how much more the administration could have done in the months leading up to the talks. They could have and should have been much more progressive in fact, not just in their press releases. This criticism is not a new development. For months, concerned observers have tried to get the administration to move on this issue.

Last July, I authored language in the State Department reauthorization bill stating the sense of the Congress of points the United States should support in the talks. Those points included verifiable goals and plans by each country to reach those goals. That resolution was approved by Congress. The resolution says, in part, that "strong leadership by the United States is crucial to achieving an agreement on a framework global convention in time for the United Nations Conference on Environment and Development to be held in Brazil in June, 1992."

Unfortunately, the administration continued to stand alone on its position on global climate change, in opposition to anything but business as usual.

The resolution called for a balanced approach, one that recognized the need for further research, but opposed allowing a small degree of uncertainty to block needed actions. The resolution called for "adoption of national strategies to address climate change * * * and to make public the elements of such strategy."

We hear the administration claim that they support these goals, but when they are raised in the context of the Rio meeting, the administration shifts to opposition. At a time when the positions they claim to support can be given real meaning, the administration backs off.

I fear that barring a herculean effort, the lofty goals envisioned for the Rio Conference months ago have already been scuttled. Full realization of the administration's strategy will not begin to be known until June. In the years that follow, recognition can only grow that Rio was an opportunity that was wasted.

Mr. SANFORD. Mr. President, I rise to add my voice to the numbers who have expressed their embarrassment over this Nation's lack of global environmental leadership. The United States of America must stand and be counted as a people who care not only about the health and happiness of their own children, but also about the children of foreign lands who have yet to be born.

I am an original cosponsor of Senate Concurrent Resolution 89, and support its companion House Concurrent Resolution 292, which is before us today. The resolution calls upon the President of this Union to look beyond the rhetoric of narrow special interests. I sincerely hope that our President will wake up and take instruction from his own claim that America is now the world's only superpower. As the administration charts the course of the most powerful Nation on Earth, should not the very health and life of this planet be a priority?

I join my colleagues in requesting that President Bush immediately involve this Nation, with all of its scientific knowledge and world influence, in the task of planning meaningful discussions for the U.N. Conference on Environment and Development [UNCED]. Without the United States participation in preliminary talks and a guarantee of our presence at UNCED in June, the likelihood of a forceful international accord being reached will be dramatically reduced.

Mr. President, planet Earth is in peril, and Americans helped her reach this critical state. However, as the data rolls in, more and more Americans are realizing that the words "preservation," "conservation," and "sustainable development" are not radical leftwing terms, they are terms that we must all become familiar with. Environmental leadership should not be reduced to a game of petty politics, it should be characterized by common sense. Common sense tells us that we must act now.

Unfortunately, either our President does not believe the scientific evidence presented to him of global environmental degradation, or he just does not care to concern himself with the facts. Many of the world's most respected researchers are convinced that global warming is a real threat, meanwhile the United States continues to produce 20 percent of the world's carbon dioxide emissions. The recent space shuttle mission revealed areas of ozone depletion over the United States, in addition to those areas already documented. The tropical forests, which hold endangered species, lifesaving drugs, and the lungs of the world, are disappearing at a rate of more than an acre a second. As the world population skyrockets, industrial and Third World nations alike are polluting our land and our water; if this trend continues, it spells the end for thousands of species of plants and animals, and it ensures that the quality of life for future generations will certainly be compromised.

Mr. President, the administration prides itself on foreign policy successes and being the big kid on the global block. Is it not a proper placement of priorities to continue this leadership role to help bring nations together to preserve the world environment?

Many of my colleagues have expressed their pride in the progress that America has made in the area of environmental technology. I share this pride and am encouraged by the possibility of new global markets that might be established if the United States takes the lead in negotiating tough, effective agreements for environmental cleanups.

We stand to gain in so many ways by taking a visionary approach to solving the international threats to this Earth and its atmosphere. The President can prove America's global stature by playing an active role in the preparation of UNCED, by personally attending the conference, and by supporting responsible proposals at the convention.

I am pleased to join my colleagues in support of this resolution and I am

hopeful that the President will note its broad support.

The PRESIDING OFFICER. All time under the previous order has expired.

The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I had understood that Senator DOLE wished to speak, and I inquire as to whether Senator DOLE does wish to speak on the resolution.

Mr. WALLOP. Mr. President, if the majority leader will yield, I am told the Senator would wish maybe 5 minutes or so.

Mr. MITCHELL. Then, Mr. President, this is to accommodate Senator DOLE, and I wish to speak, as well. We both can use part of our leader time.

Is Senator DOLE on the way now?

Mr. President, what I am going to do is momentarily suggest the absence of a quorum to permit Senator DOLE to come to the floor to make his remarks, and then I will make closing remarks of just a couple minutes.

Mr. SYMMS. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. I yield.

Mr. SYMMS. What is the schedule for the remaining part? I have about a 20-minute speech I want to give on this subject.

Mr. MITCHELL. Mr. President, I do not think there will be objection to that. The vote is scheduled at noon, and all time has expired.

Mr. SYMMS. During the remainder of the afternoon, will there be any other time for the Senator to make his presentation?

Mr. MITCHELL. We are going to be proceeding to the budget resolution this afternoon, I assume, at some point in time later today.

If the Senator would like, if the Senator wishes, when we conclude action on the budget this evening, before recessing for the evening, I will be pleased to provide a block of time for the Senator.

Mr. SYMMS. I thank the Senator. I my wait to see how late that is going to be. I thank the Senator.

I just would say at some point I would like to be heard on this subject, and I share the views of the Senator from Wyoming.

Mr. KERRY. Mr. President, will the majority leader withhold the quorum call for the purpose of two unanimous consent requests?

Mr. President, I ask unanimous consent that the distinguished Senator from Michigan [Mr. RIEGLE] and the distinguished Senator from Oklahoma [Mr. BOREN] be added as cosponsors of the resolution.

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

Mr. KERRY. Mr. President, I ask unanimous consent that the order to vote on the Senate resolution, now the pending business, and its possible, be vitiated, and the Senate proceed to the House resolution under the previous order when the time for a vote occurs.

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

Mr. KERRY. I thank the Chair and I thank the majority leader.

Mr. MITCHELL. Mr. President, It is my understanding that there will now just be one vote on the resolution itself; and I correct?

Mr. WALLOP. Yes. If the majority leader will yield, the yeas and nays have not been ordered on that, and ought to be.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Then, Mr. President, for the information of Senators, the vote will occur, depending on the length of the statement. The Republican leader is here. We will proceed with his statement. I believe the vote will occur within the next 10 minutes. Senators should be aware of that.

Mr. President, I now yield the floor so the distinguished Republican leader can make his statement.

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

Mr. DOLE. Mr. President, a few of my colleagues have spent this morning criticizing President Bush and the United States of America for single-handedly destroying the global environment. Nothing is further from the truth.

I listened to a lot of this on my TV in the office. I do not believe some of the statements made by some of the critics of President Bush.

Environmental laws and regulations governing nearly every aspect of life in America are stronger in the United States than they are in any other country in the world. We have laws on air emissions, water discharges, filling and dredging wetlands and waterways, disposal of every type of waste from common household garbage to toxic chemicals to radioactive waste. We regulate almost to the absurd, demanding asbestos which has been safely sealed in place instead be disrupted and removed at enormous cost. We demand toxic waste be removed from leaking dump sites and transferred to exotic, space age dumps which also leak, a move that generates huge profits to lawyers and little, if any, benefit to the environment.

Unfortunately, those who have criticized the President of the United States this morning fail to tell us the basic position of the two sides in the UNCED negotiations. The United States wants to have a cooperative agreement whereby all nations of the world commit themselves to undertake the same type of aggressive environmental controls that the United States has taken. Conversely, the Third World has viewed these negotiations as a cash cow. For a price, they have said, we might be able to interest them in being concerned about the environment.

So, Mr. President, let us ask the American people. Let us ask the American taxpayer which we fail to do around here almost every day. Ask the American taxpayer the real question: Do you favor sending hundreds of millions, if not billions, of your tax dollars to foreign countries to try to interest them in the environment? Or, do you favor taking a tough stand, demand that all nations follow the lead of the United States in cleaning the air, the water, protecting forests and species, and eliminating chemicals which are destroying the stratospheric ozone layer?

I am quite certain when the American people understand the facts—not the speeches, not the rhetoric, not the criticism of President Bush—when they are told the truth, they will reject this sleight of hand to take money out of the hands of the needy in this country and use it as bribes to foreign governments.

I am also quite certain the American people would instead agree that President Bush, that all nations, should voluntarily protect the fragile environment of this globe which is, as best as I can determine, the only choice we have in choosing a place for mankind to live.

In closing, I would like to praise President Bush for his courage in taking the sensible position he has. He could have chosen the politically expedient route that many of my colleagues talked about this morning of hiding behind the skirt of environmental protection and allow this Nation to be blackmailed.

President Bush is standing tall for the environment and the American people, and as one American, let me congratulate the President on doing a superb job.

The PRESIDING OFFICER (Mr. WOFFORD). The majority leader.

Mr. MITCHELL. Mr. President, in June, leaders from all over the world will meet in Brazil for the Earth summit. This will be the largest international gathering on the environment since the Stockholm Conference in 1972.

It reflects the fact that environmental values are more deeply inbedded than ever before. Citizens in all countries, of all cultures and regions, realize that protecting the global environment is essential to human survival. More than ever, individuals and governments recognize that environmental protection is essential for economic health.

Yet, during the time of heightened global awareness of the environment, President Bush has not yet agreed to attend the Earth summit. Other West-

ern leaders have made such a commitment; they will be there in June.

I urge the President to attend the Earth summit. He should show the world that the United States, which is admittedly part of the global environmental problem, is committed to being part of the solution as well.

The Bush administration is unfortunately preventing progress on a global climate change convention. Several areas of disagreement have arisen within the negotiations on a convention. These disagreements have been nurtured by the U.S. refusal to commit to meaningful limits on U.S. greenhouse gas emissions. Negotiations have progressed slowly, in part because the Bush administration refuses to commit to any controls on carbon dioxide, the dominant greenhouse gas.

The European Community has committed to a policy of stabilizing carbon dioxide emissions at 1990 levels by the year 2000. Other nations have committed to reductions in emissions. The Bush administration has isolated the United States by refusing to commit to any controls on greenhouse gas emissions.

The world cannot afford continued delay by the Bush administration. Even if we stop emitting all greenhouse gases today—an impossible prospect—but even if we did so, there will still be more warming of the Earth's atmosphere. Further delay means our children and their children will pay an even higher price.

The Bush administration wrings its hands, paralyzed by fear that action will cost too much. But its own studies show that there are cost-effective ways to reduce carbon dioxide emissions. And forgotten by the administration is the very high cost of inaction.

To avoid increasing carbon dioxide emissions, we need to use energy more efficiently. Energy efficiency creates jobs and saves money. Curbing emissions in concert with other nations will create global markets for American products and American services that improve efficiency and reduce emissions. Some other nations already recognize the chance to improve their balance of trade. We should act aggressively in this area. We forfeit both an environmental and a trade edge by hesitation.

By itself, the United States contributes 20 percent of the entire world's carbon dioxide emissions. Yet the administration isolates the United States as it shrinks from leading the world with aggressive environmental diplomacy.

The United States cannot afford any more environmental timidity on this critical issue.

I urge the President to attend the Earth summit and to reverse the position of his administration on global warming. It is time to act for ourselves and for generations to come.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator BUMPERS of Arkansas be added as a cosponsor.

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

Under the previous order, the clerk will report House Concurrent Resolution 292.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 292) expressing the sense of the Congress with respect to United States participation in the United Nations Conference on Environment and Development (UNCED).

The PRESIDING OFFICER. Under the order, the text of Senate Concurrent Resolution 89, as amended, is substituted for the text of the pending House concurrent resolution.

The question is on agreeing to the concurrent resolution (H. Con. Res. 292), as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

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

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—87

Adams	Ford	McConnell
Akaka	Fowler	Metzenbaum
Baucus	Garn	Mikulski
Bentsen	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Nickles
Boren	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Brown	Hatfield	Pressler
Bryan	Heflin	Reid
Burdick	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Seymour
Danforth	Kohl	Shelby
Daschle	Lautenberg	Simon
DeConcini	Leahy	Specter
Dixon	Levin	Thurmond
Dodd	Lieberman	Warner
Domenici	Lugar	Wellstone
Durenberger	Mack	Wirth
Exon	McCain	Wofford

NAYS—11

Burns	Helms	Stevens
Craig	Lott	Symms
Dole	Simpson	Wallop
Gramm	Smith	

NOT VOTING—2

Bumpers	Pryor

So the concurrent resolution (H. Con. Res. 292), as amended, was agreed to.

The preamble, as amended, was agreed to.

Mr. KERRY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 89 be indefinitely postponed.

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

The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order, the Senate was now to recess for the respective party conferences. I have been asked by the Senator from Delaware for the opportunity to address the Senate now as if in morning business.

Mr. President, I ask unanimous consent that the Senator from Delaware be recognized to address the Senate as if in morning business for 20 minutes, and that upon the completion of his remarks the Senate stand in recess as under the previous order.

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

The Senator from Delaware.

Mr. ROTH. Mr. President, I want to express my appreciation both to the majority leader and the Chair for the courtesy extended to me to make my statement for the next 20 minutes.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2531 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. EXON). The chair recognizes the Senator from Illinois.

FISCAL IRRESPONSIBILITY

Mr. SIMON. Mr. President, I picked up a Washington Post Sunday morning, and I read the superb article by our colleague, Senator LLOYD BENTSEN, titled "A Straddle Into Irresponsibility."

In that article, he talks about how we are drifting into greater and greater fiscal irresponsibility with the growth of the Federal budget deficit. I know the Presiding Officer and I are both on the Budget Committee, and I do not think there is any question that the deficit this next fiscal year will exceed $400 billion. It is hardly conceivable that we are going to have that.

It was not too long ago when the total indebtedness of the Federal Government, from George Washington on, and I think up until just about the time Jimmy Carter took office, totaled $400 billion. Before he left office, the total debt was less than $1 trillion. It is now approaching $3.9 trillion. We cannot keep that up indefinitely.

This article calls on both parties to do something about it, and specifically calls on the President to face up to this. It urges that both candidates for President this time face up to this.

If I can just read the final few sentences here:

It is not my purpose to lay the blame for our deficits at the feet of the President or at the door of the Republican Party. There's enough blame to go around. We Democrats in Congress have added our fair share to the deficit, and there's no question that some of those among us would adamantly oppose the best efforts of any President to deal with the deficit.

The President didn't cause the deficit by himself and can't be expected to deal with it alone, either. But unless the President takes the lead, there'll be no dealing with it at all.

I believe that to be the case.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point this excellent op-ed article by our colleague, Senator LLOYD BENTSEN.

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

[From the Washington Post, Apr. 5, 1992]

A STRADDLE INTO IRRESPONSIBILITY

(By Lloyd Bentsen)

If Bob Dole had been elected president in 1988, dealing with the federal deficit would have been his top priority, and there's little doubt in my mind it would be under control by now.

The deficit has not been a priority for President Bush, except for a brief period in 1990, and so it has ballooned from $154 billion to $400 billion a year. Given the course of his campaign so far, there's every reason to expect more of the same if he is reelected.

The Post rightly honors Dole as one of a small group of senators who have courageously fought to eliminate the deficit over the years. And he really paid a political price for his courage in the New Hampshire Republican primary of 1988.

Dole came into New Hampshire as the front-runner, leading in the polls and having beaten Vice President Bush in Iowa. The vice president actually ran third in Iowa, behind both Dole and the Rev. Pat Robertson.

Bush came out swinging in New Hampshire. He ran TV ads unfairly charging that Dole would increase taxes, simply because that was among the options Dole felt a president shouldn't categorically rule out. "Senator Straddle," the ads called him.

That wasn't the end of it. Dole had supported establishment of the bipartisan National Economic Commission to find ways to cut the huge federal budget deficits. Many believed the commission—headed by two savvy political insiders, Democrat Robert Strauss and Republican Drew Lewis—offered the last best hope of finally breaking the impasse that had nearly paralyzed the budget process for most of Ronald Reagan's tenure.

Vice President Bush didn't see it that way. In one of his New Hampshire TV ads, he said the commission "exists to provide political cover for a tax hike. If it doesn't recommend a tax increase, I'll not only eat my hat, I'll eat Bob Dole's hat."

After beating Dole in the primaries, the vice president went on to the Republican National Convention, where he was nominated. In his acceptance speech, to ensure that everyone knew of his adamant stand against tax increases, he uttered his famous "read my lips" pledge. The commission, which had become a political football in the New Hampshire primary, broke up in disarray a year later. Unable to reach agreement, it issued two separate reports in early 1989. Neither report recommended a tax increase, but there's no evidence Bush made good on his offer to eat both his and Dole's hats.

President Bush insisted his "flexible freeze" was the way to eliminate the deficit. That and some budget sleight of hand. During his first year in office, he proposed an S&L bailout that was not only financed with more government borrowing but, at the Bush administration's insistence, was exempted from the discipline of the Gramm-Rudman budget law. This drove up the cost of the bailout, which is adding more than $100 billion to the deficit this year.

In his 1990 State of the Union address, the president was still claiming he would bring federal spending under control. His new budget, he said, would balance the budget by 1993 and do it "with no new taxes."

But a few months later, facing the need for lower interest rates to soften a coming recession, the president admitted his flexible freeze and budget gimmicks weren't up to the job and entered budget negotiations with Congress. This ultimately led to agreement on a series of spending cuts and tax increases intended to reduce the deficit by some $500 billion over five years.

In New Hampshire this election year, the wheel came full circle. The issue again was taxes, only this time Bush wasn't attacking Dole for refusing to sign a "no taxes" pledge. He was under attack himself from Patrick Buchanan for breaking a pledge he should never have made in 1988.

It was the president's reaction to the Buchanan challenge, far more than the challenge itself, which convinced me his reelection would likely doom us to another four years of ballooning deficits. He reacted, first, by pulling away from the relatively modest tax increases in his own 1993 budget, adding $17 billion to the deficit over the next five years. Second, Bush reacted by disavowing the 1990 budget agreement as a "mistake."

I am encouraged by recent bipartisan signals that the Senate may be getting serious about deficit reduction. A Democratic amendment to the recent tax bill would have eliminated a middle-income tax cut and instead have used money from an upper-income tax increase to reduce the deficit and help replace our aging transportation infrastructure. On the Republican side of the aisle, there is growing discussion about the need to rein in entitlement programs, which account for the lion's share of the federal budget.

I have reservations about both approaches. The deficit is not our only legacy from the 1980s. Another is a tax system tilted in favor of the well-to-do. A tax reduction for middle-income families is needed if we are to restore a measure of fairness to that system. As to entitlement cuts, if by this my Republican colleagues refer to cuts in Medicare and Medicaid—the federal government's primary health care programs—they need to carefully consider cause and effect. The cause is the rising cost of health care, which not only threatens to push the cost of Medicare and Medicaid through the roof in coming years but has already pushed private health insurance beyond the reach of nearly 40 million Americans.

But disagreeing with these proposals does not mean I dismiss them. Both are worthy of consideration as good starting points for a vigorous debate on deficit reduction.

Without leadership from the White House, however, any effort to make a significant dent in the federal deficit is doomed at the outset, and we're not getting that kind of leadership.

Consider the president's tax plan. Republican and Democratic senators alike agree that he fails to pay for his proposed tax cuts, and the Joint Tax Committee estimates his cuts would add $32 billion to the deficit over the next six years.

His own administration maintains that adding to the deficit poses more economic risk than stimulus. The Office of Management and Budget warns that abandoning the discipline of the 1990 budget agreement "could trouble financial markets, cause interest rates to rise . . . slow recovery and threaten job creation." Many of the same Republican senators most concerned about the budget deficit—though not all of them—felt compelled to vote for the president's tax cut, budget buster or not. The political pressure to support an initiative by a president from one's own political party can be irresistible, especially in an election year.

I would like to see President Bush prove me wrong. I would urge him to campaign on a pledge to eliminate the budget deficit no matter what it takes, and I would urge his Democratic opponent to try to outdo him in this regard rather than seek to undercut him.

It is not my purpose to lay the blame for our deficits at the feet of the president or at the door of the Republican Party. There's enough blame to go around. We Democrats in Congress have added our fair share to the deficit, and there's no question that some of those among us would adamantly oppose the best efforts of any president to deal with the deficit.

The president didn't cause the deficit by himself and can't be expected to deal with it alone, either. But unless the president takes the lead, there'll be dealing with it at all.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Nebraska, asks unanimous consent that the previous order to recess at this time be momentarily delayed.

Without objection, it is so ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Chair recognizes the Senator from Nebraska.

THE NATIONAL DEBT

Mr. EXON. Mr. President, I have just listened to, with great interest and admiration, the statement of my friend and colleague from the State of Illinois with regard to the excellent piece that was just not another op-ed piece, but an excellent statement of not only how we got ourselves into the mess with the deficit and the skyrocketing national debt, but more important, the ways to get out of it, authored by our great friend and colleague, Senator LLOYD BENTSEN, chairman of the Finance Committee.

I wish to associate myself with the remarks of the Senator from Illinois, who inserted that particular piece from the Washington Post on Sunday into the RECORD.

It is the best summary that I have ever seen. Many of us, including the present occupant of the chair, the Senator from Illinois, have been working diligently to do something about this for many years.

When the Senator from Illinois was mentioning how this thing has grown topsy-turvy, totally out of hand, it reminded me of a statement I made from this desk on this floor sometime within the last 2 weeks. I believe that it was within the last 2 years of the Jimmy Carter term of serving as President of the United States—I was a member of the Budget Committee at that time, and I think that was shortly before the Senator from Illinois was elected to the Senate by the great State of Illinois—there was a terrible furor that broke loose fairly late in the year in the activity of the Congress when a shocking revelation was made.

It was very likely that the United States, unless we took instantaneous action, was going to end up that particular fiscal year as much as $70 billion in debt. And, you know, it sent shock waves throughout the economy. We have been told now for lo these many years that unless we did something about it, the stock market would make us rue the day that we did not bring ourselves to fiscal discipline.

That was what—12 years ago, give or take a year or two. That was two or three Presidents ago, give or take one or two Presidents. And we keep going on to the matter. If anybody would have indicated back in that year of 1978 or 1979, whenever it was, when this event took place where members of the Budget Committee were suddenly called over in a desperation move by President Carter to address that matter at a time when the national debt was under $1 trillion. And now we all know within the next few months it is going to bust through the $4 trillion figure. If we had told the people that that was going to be the case in 1992, we either would have been laughed out of the meeting or the Government very likely would have collapsed at that point, recognizing that there is no way we could sustain a $4 trillion debt.

So, sometimes we wonder if figures do mean anything. I happen to agree with the Senator from Illinois. Indeed they do mean something. But we are just putting off that fateful day on and on and doing nothing about it.

ENTRAPMENT

Mr. EXON. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my very brief remarks a front page article from today's New York Times, April 7, 1992, by Linda Greenhouse, special to the New York Times. The article is headed: "Justices, in Entrapment Case, Cast a Rare Vote Against Prosecutors."

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

(See exhibit 1.)

Mr. EXON. Mr. President, this is a story that has to do with a Nebraskan whom this Senator does not know or does not remember, but he is a constituent of mine. I do not recall that I have ever known him. But having served Nebraska for about 20 years in the capacities of Governor and now my 13th year in the Senate, the chances are somewhat great that I at least met this gentleman one time. I do not know him. I do not ever remember him even contacting me, but I have been following this particular case with some interest in the paper, primarily, I admit, because this man was from Nebraska.

This is a case—and from what I knew of it, not just because it was a Nebraskan, I was delighted at the 5-to-4 split decision in the Supreme Court yesterday that held in this case—and, again, I do not know all the details, but the basis of it is that in this particular case the Government officials went way beyond any due bounds with regard to entrapment.

I have been criticized a great deal as one of the people who voted for Judge Thomas, and I take note of that again today. I was one of those two or three votes that made the difference with regard to Judge Thomas' being shunted aside or confirmed. Rightly or wrongly, after studying the whole issue in great detail, rightly or wrongly, after looking back at the record, rightly or wrongly, whatever the merits of the case are, I suspect that there has never been a nomination for a Supreme Court Justice that has riled as many feathers and waters as did the matter of Judge Thomas.

At this time I can point to at least one article and say, well, at least in this case it is Judge Thomas, whom I supported and felt in the end might be not the rightwing idealist that some people have alleged that he was and pointed to him as an individual who should not have been nominated, maybe they will take a look at this article, and, whether they agree with the Senator from Nebraska or not, at least I want to point out that I think that the majority of the Supreme Court, with Judge Thomas being one of the key votes here, made the right decision, from my perspective on what is right and what is wrong with regard to proper activity by prosecutors in making the case.

In this case, the Supreme Court of the land held that the prosecutors went way beyond due bounds, and I think the decision was right.

Mr. President, I yield the floor.

EXHIBIT 1

JUSTICES, IN ENTRAPMENT CASE, CAST A RARE VOTE AGAINST PROSECUTORS

(By Linda Greenhouse)

WASHINGTON, April 6.—The Supreme Court overturned a Federal pornography conviction on the ground of entrapment today, ruling 5 to 4 that the Government had failed to prove that a Nebraska farmer would have violated the law in the absence of an elaborate sting operation that took more than two years to induce him to order child pornography through the mail.

The decision, written by Justice Byron R. White, was based on earlier Supreme Court rulings on entrapment, requiring the prosecution to show that a person induced by Government agents to commit a crime had been "independently predisposed" to the criminal conduct.

The ruling is unlikely to cramp the Government's routine use of undercover operations to investigate drug trafficking or the fencing of stolen property. The majority appeared to view this case almost as an anomaly, an extreme misuse of Government power in which an innocent person was led to commit a manufactured crime.

UNUSUAL VOTING PATTERN

Still, the decision was notable, both as a rare defeat for the Government in a criminal case before the current Supreme Court and for an unusual voting pattern that saw the two newest Justices, David H. Souter and Clarence Thomas, joining the majority.

Justice Sandra Day O'Connor wrote a dissenting opinion that was also signed by Justice Thomas's apparent mentor on the Court, Justice Antonin Scalia. [Excerpts, page A25.]

Justices Harry A. Blackmun and John Paul Stevens joined Justice White's majority opinion. The two other dissenters were Chief Justice William H. Rehnquist and Justice Anthony M. Kennedy.

With 52 decisions issued so far this term, this was the first case to be decided by a 5-to-4 vote. While such votes were once common, the conservative bloc has established such dominance that the current Court is no longer closely divided on many issues.

With only Justice White and Justice O'Connor writing opinions today, there was no way of knowing why the other Justices lined up as they did, or why Justice Thomas and Justice Scalia parted company for only the second time.

The case, Jacobson v. United States, No. 90-1124, was an appeal by a Nebraska man—a "veteran-turned-farmer," as Justice White described him—who at the age of 56 was convicted of violating the Child Protection Act, a Federal law that makes it a crime to receive sexually explicit photographs of children through the mail. The man, Keith Jacobson, initially won an appeal on the ground of entrapment before a panel of the United States Court of Appeals for the Eighth Circuit, in St. Louis. But the full Eighth Circuit upheld his conviction in October 1990.

DETAILS OF THE CASE

As Justice White's opinion today recounted in detail, Mr. Jacobson, who had no criminal record, first came to the Government's attention in 1984 after he ordered by mail from a California bookstore two magazines containing photographs of nude preteen and teen-aged boys. The photographs did not depict sexual activity and did not violate the law at that time.

Congress changed the law a few months later, broadening the definition of child pornography to include the type of material Mr. Jacobson had bought. Two agencies, the Postal Service and the Customs Service, began to enforce the new law. Over the next two and a half years these agencies set up five fictional organizations, with such names as the American Hedonist Society and the Heartland Institute for a New Tomorrow.

Postal inspectors found Mr. Jacobson's name on the California bookstore's mailing list and sent him numerous surveys and solicitations to fight restrictive pornography laws by ordering "items which we believe you will find to be both interesting and stimulating." One postal inspector, using a pseudonym, became Mr. Jacobson's "pen pal" for a time.

Finally, Mr. Jacobson ordered a magazine containing child pornography from the fictitious Far Eastern Trading Company Ltd. When the magazine was delivered, he was arrested by Federal agents; they found no other child pornography in his house.

A QUESTION OF PREDISPOSITION

Stressing the facts of the case, Justice White said the Government had failed to show beyond a reasonable doubt that Mr. Jacobson was predisposed to violate the law "prior to first being approached by Government agents."

"In their zeal to enforce the law," Justice White said, "Government agents may not originate a criminal design, implant in an innocent person's mind the disposition to commit a criminal act, and then induce commission of the crime so that the Government may prosecute."

In her dissenting opinion, Justice O'Connor said the Court had expanded the entrapment defense by making it harder for the Government to show the required "predisposition." In previous cases, she said, the Court had required proof of predisposition only at "the time the Government agent first suggested the crime, not when the Government agent first became involved."

The majority opinion vigorously disputed this assertion. Justice White said the Court had established 60 years ago that predisposition must be shown to have existed "prior to contact with law-enforcement officers."

The Court rejected a broader argument that Mr. Jacobson's lawyers had put forward, under which an entrapment defense would be established if the Government failed to show that it had a "reasonable suspicion" for singling out an individual for investigation in the first place.

Under the test the Court applied today, the Government need not show predisposition before starting an investigation. Rather, predisposition would be adequately established after the fact if a suspect, unlike Mr. Jacobson, "promptly availed himself" of an opportunity presented by Government agents to commit a crime.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, the Senate, at 1:05 p.m., recessed until 2:29:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

RECESS UNTIL 2:50 P.M.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks unanimous consent that the Senate stand in recess until 2:50 p.m.

There being no objection, the Senate at 2:29:44 p.m., recessed until 2:52 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 106, Calendar No. 436.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

PRIVILEGE OF THE FLOOR

Mr. SASSER. Mr. President, I ask unanimous consent that the staff of the Committee on the Budget and its members, including congressional fellow Jay Sutorius and Gemma Weiblinger, be allowed to remain on the floor during consideration of Senate Concurrent Resolution 106, and I send a list of this staff to the desk which I ask unanimous consent to have printed in the RECORD.

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

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

STAFF OF THE COMMITTEE ON THE BUDGET—REGULAR FLOOR PRIVILEGES

Abraham, Amy, regular.
Abrams, Janet, regular.
Adcock, Sam, regular.
Banks, Kip, regular.
Bartko, Lisa, 15 minutes.
Bath, Diane, 15 minutes.
Bundy, Agnes, w/o pass.
Boyer, Vi, regular.
Callahan, John, w/o pass.
Capretta, Jim, regular.
Caruson, Kiki, regular.
Cestar, John, regular.
Clark, Beth, 15 minutes.
Daghlian, Lynn, regular.
Dammann, Julie, regular.
Dauster, Bill, w/o pass.
Del Balzo, Tony, regular.
Deignan, Kathy, w/o pass.
DeValk, Randy, regular.
Driscoll, Ann, 15 minutes.
Echols, Louise, 15 minutes.
Foster, J.D., regular.
Flickner, Charlie, regular.
Gatta, Andrea, 15 minutes.
Gandy, Nanette, regular.
Gilliam, Bert, 15 minutes.
Greenwald, Matt, regular.
Hannah, Paul, regular.
Hill, Anne Willis, regular.
Hines, Kelly, 15 minutes.
Hoagland, Bill, w/o pass.
Hudson, Laura, regular.
Huffer, Joan, regular.
Kearney, James, regular.
Keane, Sharon, regular.
Kestnbaum, Amy, regular.
King, Bruce, regular.
Larish, Ken, 15 minutes.
Longoria, Melissa, regular.
Love, Judy, regular.
MacGregor, Jennie, 15 minutes.
Marshall, Hazen, regular.
Marr, Chuck, regular.
McLean, Chris, regular.
McGuire, Carole, regular.
Mitchell, Kevin, 15 minutes.
Miller, Anne, regular.
Naylor, Mary, regular.
Nelson, Sue, regular.
Nicholas, Angela, 15 minutes.
Obermayer, Adele, regular.
Olin, Doug, regular.
Ondrick, Cris, regular.
Paul, Betsy, 15 minutes.
Phillips, Roy, regular.
Pratt, James, regular.
Ramonas, Denise G., regular.
Reidy, Cheri, regular.
Rel, Ricardo, regular.
Rose, Marc, regular.
Savary, Paul, regular.
Schrader, Mindy, 15 minutes.
Smythe, Austin, w/o pass.
Solon, Mike, regular.
Stein, Larry, w/o pass.
Stoddard, Gordon, regular.
Strumpf, Barry, regular.
Sutorius, Jay, regular.
Taylor, Peter, regular.
Weech, Paul, regular.
Wheeler, Brian, regular.
Williams, Dave, w/o pass.

Note.—Individuals designated "without pass" have privileges to be admitted under previous letter to the Sergeant at Arms.

Mr. SASSER. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during the consideration of Senate Concurrent Resolution 106.

The PRESIDING OFFICER. Is there objection from the Senator from New Mexico [Mr. DOMENICI]?

Mr. DOMENICI. I do not think that will do any good. The deficit is so big we need big computers. But I have no objection.

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

Mr. SASSER. Mr. President, the budget resolution that comes before the body for fiscal year 1993 is essentially the same budget as represented by the so-called chairman's mark that was presented to the Senate Budget Committee last week, with one significant amendment; that is, a change in the savings in defense.

As Members know, it is the will of the Senate that all budget savings go to deficit reduction this year. We determined on the Senate floor 2 weeks ago, after we heard speech after speech about the primary importance of deficit reduction, that savings in military spending should go to deficit reduction for fiscal year 1993.

Members feel very strongly on this issue, Mr. President. Some Members of the Senate have announced their re-

tirement over the past few weeks on the subject of the deficit. One felt so strongly about the inability of this Government to control the deficit that he felt compelled to not seek reelection for the Senate, partially, I think, over that reason. Another announced he would not seek reelection indicating that one of the great frustrations of his time in this body was the inability to get a handle on the Federal deficit and to arrest its growth.

So I have listened very carefully to what my colleagues have had to say about reducing the deficit. The distinguished ranking member from New Mexico, Mr. DOMENICI, and I have been very concerned for a number of years about the growth of the deficit. And we have worked diligently to try to reduce it. In formulating the chairman's mark, I offered the Budget Committee a more ambitious proposal to reduce the deficit than what is supplied in the resolution that I am bringing to the floor today.

The original mark that I offered in committee would have provided $13.3 billion in deficit reduction. The original mark that I presented to the Senate Budget Committee would have reduced the deficit $10 billion more than the budget presented to the Congress by the President, and would have reduced the deficit $2 billion more than the budget that has been approved by our colleagues in the House of Representatives.

Achieving that level of savings meant that we had to double the President's very meager reduction in military spending. I think that is a very reasonable and achievable prospect for the world that we live in. By doubling the President's reduction in military spending, we would simply be reducing the military budget by slightly over 2 percent for fiscal year 1993. I thought surely—given the collapse of the old Soviet Union, the very changed circumstances that we find ourselves in these days, both internationally and also domestically, coming now in the longest recession that we have endured since the Second World War—we could find more savings in military spending.

But, alas, a slight majority of the Budget Committee voted otherwise. My proposal failed by three votes, as I recall, and a similar proposal offered by the distinguished Senator from Nebraska [Mr. EXON] failed by one vote. And I can only say that I am very disappointed that in the committee we were unable to make a more significant reduction in military spending, and apply that reduction to diminishing the size of the Federal budget deficit that we will be encountering for the year 1993.

As my colleagues know, ultimately, the job here on the floor of this Chamber is to measure any expenditure that we are called upon to make against the need for that expenditure, and what that expenditure contributes to the general well-being of our Nation. I, frankly, did not think that the people of this country would object, or even understand why, with a military budget approaching $300 billion, we could not cut an additional $5 billion from that budget after our cold war enemy had been vanquished and disappeared, after we won the cold war, and when we stood in the world as the only remaining superpower. I thought perhaps that we might draw some conclusions from the collapse of the old Soviet Union. They remained as one of the two great military superpowers until just a few months ago, and then economic collapse came upon them, and that was followed by political collapse, and now we see the collapse of their military establishment.

The lesson from that, it appears to me, should be that before a country can be a sustainable superpower, it has to be economically strong. It has to be politically strong, and then it can be militarily strong. But to be militarily strong, without being economically strong or politically strong, is like building a house on a foundation of sand. The military leg of that three-legged stool cannot stand on its own.

So I did not think the American people would object. In fact, I thought they would applaud a further reduction in military spending by only $5 billion, which, as I indicated, really represents, according to my quick arithmetic, less than 2 percent of the military outlays for fiscal year 1993.

But that was not to be, Mr. President. We were voted down in committee, by the thinnest of margins, in our effort to further reduce the military budget and apply those savings to reduction of the deficit. Having made that observation, Mr. President, perhaps the highest praise that I have for this resolution is that it clears the way for the Senate to do its work this year. We all know that this is an election year and of all of the attendant pressures and anxieties that come with that, and posturing, I might say to the distinguished occupant of the chair. But we all know that about election year problems, and they have a way of slowing down bold legislative initiatives.

This year is no exception. And what is most important now is that the budget process needs to move forward. The appropriations bills need to start coming to the floor. We need to start doing our business now in an orderly fashion, as expected by our constituents. We need to consider crucial legislation, dealing with a whole host of matters, including the health and education of our people.

The budget resolution enables all of these events to occur in a logical, orderly, predictable, and precise way.

I am not entirely satisfied with the final product, as I said, particularly with regard to the area of military spending. I know many of my colleagues frankly on both sides of the aisle join me in that call. But we need to swiftly pass a resolution and we need to get on with our work here in the Senate.

Perhaps one of the most salient features of this resolution is that it places Federal spending below a budget authority freeze at last year's level. Virtually every area of the budget, every function of this Government in the discretionary area is constrained.

For those who sit on the Appropriations Committee to meet these guidelines, we heard just this afternoon from the distinguished chairman of the Subcommittee on Health and Human Services, for the appropriators to meet those guidelines, the appropriations process will have to be extraordinarily austere.

The chairman of the Appropriations Subcommittee on Health and Human Services told some of us informally this afternoon that this is going to be a very lean year; that there were going to be cuts in initiatives that were very important to the American people; there would be a cut he thought in medical research, a cut in the National Institutes of Health appropriation for the vital cancer research, and a whole host of very important research at this time. He outlined cuts in a whole host of programs that fall under his area of responsibility in the Health and Human Services Appropriations Subcommittee.

So this is going to be an austere budget on the domestic side. And we made that point repeatedly during the debate on the so-called walls legislation. You will recall, Mr. President, that I led an effort on the floor of this body some 2 or 3 weeks ago to take down what I perceived to be an arbitrary wall between military spending and domestic discretionary spending saying that we ought to keep the overall deficit reduction targets. But as military spending came down we ought to have the option of using at least a portion of that military spending to invest in the long-neglected needs of the American people, to invest some of it in our infrastructure, in roads, bridges, and airports, waste water treatment plants, sewage plants so we could move forward with our clean water programs. We need to move forward in these areas so that transportation and commerce could move expeditiously.

I also suggested that some of these funds could be used in investing in our education. It is a well-known fact that we have a problem here in this country. The students of American parents, the generation to come to take their place in the work force in the not too distant future, are not comparing favorably in educational accomplishments with the students of other countries, our trading partners and our

trading adversaries, Japan, Germany, et cetera. It was felt that if we could use some of these military savings, cuts in the military budget, to help in the area of education, this would have an uplifting effect for many decades to come.

But that was not to be, Mr. President. Our effort to do away with these walls fell victim to a filibuster. A majority of the Senators wished to do away with the walls and perhaps had in mind, as I did, allocating a portion of the military saving to deficit reduction and a portion to investment in our long-neglected domestic initiatives.

I felt, and I still feel today, very strongly that it is time we start investing once again in our own people. We have borne the long dreary struggle of the cold war and we have won it. The American people have paid a heavy price for that with trillions and trillions of dollars from our Treasury and the tens of thousands who perished. But in the final analysis we won that long, cold war.

I, along with many of my colleagues, felt it was time now to realize some modicum of a peace dividend and take that peace dividend and invest it in our own people who have made the sacrifices and borne the burden over the past 45 years; much more sacrifices than any other nation on the face of this globe. But that was not to be. So, we have a budget authority freeze on domestic discretionary appropriations at last year's level.

Now the committee reported mark has four primary components. First, there is the defense component and it is essentially the President's numbers with regard to military savings. When translated from OMB to CBO scoring, the reductions are actually a little deeper than the President's, but only very slightly.

The committee reported mark reduces military spending below the 1993 caps by $8 billion in budget authority and $5.3 billion in outlays. This means that we will be spending in come fiscal year 1993, almost $292 billion on maintaining the military.

Now, the fact is that we can make substantial reductions in the military budget along the lines that were suggested by the distinguished Senator from Nebraska, the ranking majority member on the Armed Services Committee, Mr. EXON, or reductions in the military budget as suggested by the distinguished Senator from Illinois [Mr. SIMON], or the reductions suggested by the very able chairman of the House Committee on Armed Services, Chairman LES ASPIN. We can make these cuts with policies that are rational and that are supportable, and we can make them without reducing military personnel below the levels contained in the President's budget.

The committee reported mark does not pursue such policies at this moment in history and, as I said earlier, from my standpoint I think that is a mistake.

We probably will have several attempts to rectify that situation during the course of this resolution. But we will wait and see what happens on amendments that might be offered to reduce military spending and allocate those savings to the deficit reduction problem.

Now, in the international portion of our budget, the committee adopted the mark that I suggested, the chairman's mark, which is below the caps in the budget summit agreement by $1.3 billion in budget authority and $800 million in outlays. As with defense, the savings will go directly to deficit reduction. I note that international spending at this level, while below the caps established by our budget agreement, is still $500 million above a freeze at 1992 levels. As a result the administration's previous request for $650 million in economic aid to the former Soviet Union can still be accommodated by the Congress if it chooses to do so under the budget figures that are put forth here this afternoon.

But other initiatives, new initiatives, rapid increases in existing programs in the international function simply cannot be accommodated, and in my view that is the way it ought to be. Every area of the budget is constrained and international spending should be no different.

If we are going to reduce domestic spending for our own people, then I think international spending ought to be reduced as well for people of other countries.

In the domestic discretionary portion of the budget, spending is contained within the budget caps for 1993—some $3.5 billion below the caps of budget authority.

The resolution essentially freezes domestic spending at 1992 enacted levels. And this of course is the final result of not removing the firewall between defense and nondefense savings in fiscal year 1993.

Initially, I had felt, along with the distinguished chairman of the Joint Economics Committee, that some of the military savings might be invested in domestic initiatives that would stimulate a recovery and propel us out of this recession into a very robust recovery.

The economists are almost uniform in predicting that the recovery, when it comes, will be an anemic recovery. Generally, economic rates of growth coming out of a recession, particularly a recession as long as this one—this one has endured now for almost 3 years, when you consider the year of flat growth before we fell off into a recession—we had very robust economic growth, in the range of 5 to even 6 percent real GNP. They are predicting this time about 2 percent.

Bear in mind the economy has to grow at about 1 or 1½ percent of GNP just to provide enough jobs for an expanding population. And we thought that some of the military savings could be reduced to stimulate the recovery, so we could propel ourselves out of this recession with some energy, have substantial economic growth and use that economic growth, and the revenues that would be produced to further reduce the deficit.

I think removing the firewall would have given this body more options than we have now to deal with the problem of recession. But that is in the past. The Senate has expressed its will by a majority vote and this resolution has been tailored accordingly.

Let me correct that. The Senate did not express its will by majority vote. By a majority vote, the Senate said that it wished to take down the firewalls and open up some options with regard to the use of some of the military cuts but we were unable to get the 60 votes to break a filibuster on that particular matter.

So this resolution has been tailored accordingly. It is austere in both the domestic discretionary area and relatively austere in the international area.

We should all recognize that a freeze at last year's level still exceeds the domestic discretionary outlay caps by $1.5 billion.

As a result, the committee-reported mark achieves the additional savings with an initiative aimed at decreasing efficiency of the Federal Government—an initiative that saves $2.1 billion in budget authority and $1.5 billion in outlays.

Let me offer some highlights as to how we make these savings. We reduce the budget of the legislative branch of Government; that is, the Congress, the Library of Congress, the Executive Office of the President, and all the Cabinet offices will have their spending cut by 5 percent in 1993, a total savings of $159 million.

Travel and communications services of all agencies will be cut by 2 percent. Total savings, just out of travel and communications cuts, nearly $1.5 billion.

Consulting services and agency aircraft spending will be cut by 10 percent; total savings, $152 million.

Federal agencies will be permitted to rehire only 8 out of every 10 employees that are lost through attrition in 1993. Total savings by this reduction in the Federal work force, $320 million.

In total, this prescription for downsizing the Federal Government will save some $2.1 billion in fiscal year 1993.

Finally, Mr. President, this resolution achieves another $2.1 billion in savings in entitlements and mandatory programs. Contrary to the expectations of some, these savings can be realized

without placing caps on entitlement growth.

In the CONGRESSIONAL RECORD of March 31, the distinguished ranking member of the Budget Committee, Senator DOMENICI, describes a budget plan that prominently features such a cap. And I know he has been working on this for some time. He has great concern about the growth of entitlements, and I share his concern.

Senator DOMENICI did not bring his proposal to the Budget Committee, so the issue of capping entitlements continues to linger in the shadows of this particular debate.

Just let me say a word about that if I may, Mr. President. The explosion of entitlement growth is indeed a pressing issue for this body to confront. At $750 billion annually, the entitlement portion of our budget constitutes nearly 50 percent of total budget outlays and 12 percent of gross domestic product.

On the other side of the coin, I think we ought to also say that entitlements bring in a substantial amount of revenues to the Federal Government. In fact, a number of them at the present time are self-supporting and Social Security is producing surpluses in the range of about $70 billion a year.

But there is no gainsaying the fact that we have a serious problem with growth in the entitlement area, principally in the area of Medicare and Medicaid. Just as health costs and medical costs are exploding in the private area, they are also exploding in the public sector.

In my view, Mr. President, we have to begin to solve that problem. We have to deal with the problem of exploding health costs, to deal with causes and not effects to ultimately solve this problem.

I do not think slapping a cap on entitlements that is a quick fix that is going to last very long. We are not going to solve a problem in health care costs by putting a cap on entitlements and, as Medicare and Medicare burst through those caps—as they surely will—come back and sequester child nutrition programs, veterans' benefits, Civil Service retirement programs, a whole host of other entitlements.

We are not going to restrain the cost of health care by restraining Medicaid and Medicare so that the bills of the poor and the elderly just get passed over to the private health insurance system.

We are seeing that already. Physicians come to me on almost a weekly basis, hospital administrators on almost a daily basis, when I am back in my State, and they say to me, "Senator, what we are receiving for Medicare and Medicaid recipients simply does not pay our costs of treating them. And we are forced to pass off the deficit in what we are paid by the Government for these services onto private health insurance carriers."

So those who come to the hospital with Blue Cross and Blue Shield and other very excellent—and I might say expensive—health insurance programs in the private sector are also having to defray the cost in the deficits that are left by Medicare patients and Medicaid patients.

The whole health care issue is one that is going to have to be addressed at some point in the not-too-distant future by this administration or a succeeding administration, or this Congress or a succeeding Congress, because it is a problem that will not go away. The problem of delivering quality, affordable health care to the American people, I predict, Mr. President, will be the predominant issue of the decade of the 1990's. And trying to put a cap on Medicare and Medicaid simply is not going to solve that problem, in my judgment. Others may disagree.

The chairman's mark also includes language on reserve funds similar to that contained in last year's resolution. These reserves permit Congress to employ the pay-as-you-go mechanism for initiatives related to economic growth, to health care, to unemployment compensation, to education, to child nutrition; and these reserves guarantee that any initiative will be fashioned on a deficit-neutral basis.

For example, if someone wishes to deal with the problem of health care for disabled coal miners, this reserve language will allow them to be dealt with on a pay-as-you-go basis without increasing the deficit. We had a debate last year about the nature and purpose of reserves, and some Members tried to cast them as a license to tax. I think the experience we have had now for a year with reserves militates against that portrayal. By including reserve fund language in the budget resolution, we are merely preparing the way for committees and then the entire Senate to move on initiatives, if they choose to do so by a majority vote once the substance has been worked out.

I think the point here is worth emphasizing so everybody understands it. A reserve fund does not—I want to emphasize does not—force specific legislation. All initiatives would have to be agreed to under the normal process, including finding a way to pay for them.

Mr. President, at a time of continuing economic stagnation, at a time when our deficit problem is magnified by the consequences of that stagnation, at a time when mothers and fathers are looking at their children and saying, "My children will not have as good a standard of living as I have," at a time when the newest generation coming into the work force now for the first time thinks its quality of life is going to decline vis-a-vis that of their parents, we need to have some flexibility of action in the area of enacting legislation that might create economic growth. And these reserve provisions would do just that.

The resolution also represents an extension of the undramatic and unpraised but effective discipline that was adopted in 1990. I worked long and hard, along with the distinguished ranking member, Senator DOMENICI; Senator BENTSEN, the chairman of the Senate Finance Committee; and Senator BYRD, the chairman of the Senate Appropriations Committee; along with his ranking member, Senator HATFIELD of Oregon. We worked long and hard to produce a discipline in 1990 to try to control the growth of Federal spending.

In the areas of international, domestic discretionary and mandatory spending, this budget resolution upholds the letter of the discipline that we agreed to in the budget summit. It complies with the spending caps and, in some cases, actually exceeds the savings required by that budget summit agreement.

It is interesting to note, Mr. President, that when we talk about the explosion in the deficits in fiscal years 1992 and 1993—and indeed, there has been a significant rise in the deficits—when you look at the proximate cause of this increase in the deficit, you see that hardly any of it is ascribable to policy changes that this Congress has made or, for that matter, the administration present in the White House. The deficit has exploded because of economic conditions that were not anticipated. It is calculated that just the fall-off in Federal revenues alone as a result of the recession raised the deficit in fiscal year 1992 by as much as $60 billion.

In the area of defense, however, the savings proposed by the chairman's mark were amended in committee, as I said, and essentially cut in half. The numbers approaching the President's suggestion or budget were substituted, and I joined many Senators in finding this result unsatisfactory. But we must abide by a majority rule in this body.

For all of its shortcomings, however, the committee-passed resolution reduces the deficit by some $8.6 billion in outlays for fiscal year 1992, $6.1 billion more than in the President's plan. It could have done more; it could have done much more. But what is important now is that we move the process ahead. We have to bear in mind that coming out of this recession, all of the economic experts tell us we have to be very careful and we cannot reduce Federal spending overly dramatic or you run the risk of pushing off into a double-dip recession.

So I think, given the circumstances, we have done the best we could with this resolution, and I commend it to my colleagues this afternoon. I am hopeful and optimistic that after a suitable time for debate and for amendment that this body will adopt our budget resolution and move forward to other matters.

Mr. President, I ask unanimous consent that a description of the commit-

tee-reported budget resolution and accompanying explanation be printed in the RECORD.

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

SENATE BUDGET COMMITTEE—COMMITTEE-REPORTED BUDGET RESOLUTION FOR FISCAL YEAR 1993

[Reductions from CBO capped baseline]

	Budget authority	Outlays
Defense discretionary	−8.0	−5.3
The Committee-reported mark cuts defense spending below the 1993 caps by $8 billion in budget authority and $5.3 billion in outlays.		
International discretionary	−1.3	−.8
International programs are held at CBO's baseline in 1993. This level is $1.3 billion below the caps in budget authority and $0.8 billion below in outlays. The Committee-reported mark will allow continuation of all ongoing programs and accommodate the President's proposed aid package for the Soviet Union.		
Domestic discretionary	−3.5	
Savings in domestic programs are achieved by freezing new spending authority at 1992 enacted levels with additional cuts from an initiative to increase government efficiency. This initiative incorporates cuts in Federal travel and communications, a 10 percent cut in consulting services and agency aircraft, across-the-board cuts in the Legislative and Executive branches, and a plan to limit agency rehires to 8 out of every 10 vacant positions.		
Mandatory savings	−2.1	−2.1
Savings in entitlement and mandatory programs include proposals aimed at reducing Medicare fraud, waste, and abuse, increased user fees, and other mandatory reductions. The Committee also adopted a amendment that repeals recreational boater fees. The loss in receipts is offset by a new user fee for public access to the Federal Maritime Commission's Automated Tariff Filing and Information System.		
Interest and other adjustments	−.3	−.4
Deficit savings in committee-reported mark		−8.6
Deficit savings in President's plan		−2.5

GOVERNMENT EFFICIENCY INITIATIVE, AN OVERVIEW

A freeze in budget authority at last year's level, still exceeds the domestic discretionary outlay caps by $1.5 billion. The Committee-reported mark achieves the additional savings required by the Budget Agreement with an initiative aimed at increasing efficiency in the Federal Government. This initiative saves $2.1 billion in budget authority and $1.5 billion in outlays. The six major components are described below.

(1) Federal workforce attrition: Better management, and restraint on the growth of government activities support measured reductions in the Federal workforce. Under this proposal, domestic agencies would be allowed to hire 8 employees for every 10 who leave the federal service. (Saves $320 million in budget authority and $280 million in outlays.)

(2) 10 percent cut in the cost of private consultants: GAO and the Governmental Affairs Committee have found numerous cases where consultants are used to perform services that should be done by Federal workers. (Saves $67 million in budget authority and $50 million in outlays.)

(3) 10 percent cut in the use of civilian agency aircraft: Civilian agencies own or lease more than 6,200 aircraft each year. The operating, maintenance, and lease costs for this fleet total $850 million per year. The Federal Government could save significant amounts by better managing this air force and by using commercial airlines whenever possible. (Saves $85 million in budget authority and outlays.)

(4) 5 percent cut in Government overhead: This cut would apply to the Legislative Branch, the Executive Office of the President, and Secretarial and Departmental Administration offices at each of the major domestic agencies. In a time of tight budgets, these cuts demonstrate that leaders are willing to tighten their belts too. (Saves $159 million in budget authority and $138 million in outlays.)

(5) 2 percent cut in non-personnel expenditures: This category of spending includes agency travel, supplies, printing and communications. Savings are possible from improved productivity and additional restraint on all Federal programs. (Saves $1,470 million in budget authority and $888 million in outlays.)

(6) Commissions, councils, panels, and small independent agencies: These groups have proliferated, each with its own administrative overhead, often duplicates missions carried out by larger agencies. No specific commissions are proposed for cuts. However, savings of $36 million are proposed from a base of $236 million. (Saves $36 million in budget authority and $30 million in outlays.)

GOVERNMENT EFFICIENCY INITIATIVE

[In millions of dollars]

	Budget authority	Outlays
Federal workforce attrition strategies: (80 percent replacement)	−320	−280
Legislative branch: (5 percent across-the-board cut)	−104	−94
Executive Office of the President: (5 percent across-the-board cut)	−11	−9
Office of the Secretary—all agencies: (5 percent across-the-board cut)	−44	−35
Object Classes:		
2 percent travel, communications, etc	−1,470	−888
10 percent consulting services	−67	−50
10 percent agency aircraft	−85	−85
Federal funding for Commissions	−36	−30
Total savings	−2,137	−1,471

1993 DISCRETIONARY BUDGET TOTALS

[In millions of dollars]

	Budget authority	Outlays
DEFENSE		
OMB defense caps	289,035	296,839
Committee-reported mark	281,000	291,500
Difference from caps	−8,035	−5,339
President's request (OMB)	281,574	291,969
Difference from caps	−7,461	−4,870
President's request (CBO)[1]	282,186	292,165
Difference from caps	−6,849	−4,674
House budget resolution-capped	275,035	287,839
Difference from caps	−14,000	−9,000
INTERNATIONAL		
OMB international caps	22,758	20,591
Committee-reported mark	21,440	19,833
Difference from caps	−1,318	−758
President's request (CBO)	22,161	20,591
Difference from caps	−597	0
House budget resolution-capped	22,161	20,591
Difference from caps	−597	0
DOMESTIC		
OMB domestic caps	206,129	225,268
Committee-reported mark	202,655	225,268
Difference from caps	−3,474	0
President's request (CBO)	204,178	225,971
Difference from caps	−1,951	703
House budget resolution-capped	206,129	225,268
Difference from caps	0	0

[1] Adjusted for comparability with OMB outlay rates.

COMPARISON OF DISCRETIONARY TOTALS 1993 BUDGET PLANS

[In billions of dollars]

	Committee mark	President's budget[1]	House capped
050 Defense:			
Budget authority	281.0	282.2	275.0
Outlays	291.5	292.2	287.8

COMPARISON OF DISCRETIONARY TOTALS 1993 BUDGET PLANS—Continued

[In billions of dollars]

	Committee mark	President's budget[1]	House capped
150 International affairs:			
Budget authority	21.4	22.2	22.2
Outlays	19.8	20.6	20.6
DOMESTIC			
250 Space, Science, and Technology:			
Budget authority	17.3	18.4	17.3
Outlays	16.5	17.1	16.4
270 Energy:			
Budget authority	6.2	5.8	6.2
Outlays	5.7	5.6	5.7
300 Natural resources:			
Budget authority	21.2	21.2	20.8
Outlays	20.9	20.9	20.5
350 Agriculture:			
Budget authority	4.5	4.2	4.2
Outlays	4.4	4.3	4.3
370 Commerce, housing credit:			
Budget authority	3.5	3.1	3.5
Outlays	3.4	3.0	3.4
400 Transportation:			
Budget authority	14.9	13.6	14.9
Outlays	35.1	35.0	35.2
450 Community, Reg. Devlpt:			
Budget authority	6.5	5.5	6.0
Outlays	6.7	6.5	6.6
500 Education:			
Budget authority	35.5	36.6	36.4
Outlays	35.2	34.8	35.0
550 Health:			
Budget authority	19.6	19.9	20.5
Outlays	19.7	19.5	20.1
570 Medicare:			
Budget authority	2.7	2.8	2.8
Outlays	2.7	2.8	2.8
600 Incom security:			
Budget authority	31.8	30.1	32.7
Outlays	32.6	31.0	32.5
650 Social Security:			
Budget authority			
Outlays	2.5	2.6	2.7
700 Veterans:			
Budget authority	15.7	16.5	16.3
Outlays	15.7	16.1	16.0
750 Admin. of Justice:			
Budget authority	14.1	15.2	14.7
Outlays	14.3	15.4	14.8
800 General Government:			
Budget authority	11.3	12.0	11.0
Outlays	11.7	12.4	11.4
920 Allowances:			
Budget authority	−2.1	−.5	−.3
Outlays	−1.8	−.7	−1.5
950 Offsetting receipts:			
Budget authority		−.3	−.7
Outlays		−.3	−.7
Subtotal, domestic:			
Budget authority	202.7	204.2	206.1
Outlays	225.3	226.0	225.3
Total discretionary			
Budget authority	505.1	508.5	503.3
Outlays	536.6	538.7	533.7

[1] President's budget reestimated by CBO and adjusted for comparability with OMB outlay rates.

Deficits in 1993 budget plans

	1993 (billions)
CBO total baseline deficits	[1] 336.0
Committee-reported mark	327.4
Deficit reduction	−8.6
President's budget reestimated	331.8
Deficit reduction[2]	−2.3
Addendum: On-budget deficit (committee-reported mark)	394.2

[1] CBO's deficit total has been reduced by $0.2 billion to reflect the scoring of IRS compliance initiative funding required by the Budget Enforcement Act.

[2] The deficit reduction total has been adjusted to exclude savings from asset sales. CBO estimates.

LANGUAGE PROVISIONS IN THE RESOLUTION

The Committee-reported resolution includes the following language provisions:

Enhanced displays of the deficit, trust fund balances, and gross interest: To aid in the understanding of budgetary aggregates, the Committee-reported resolution also displays the increase in the debt as a measure of the deficit, the balances of Federal retirement trust funds, and gross interest on the debt.

Prohibition of counting asset sales: Consistent with the Budget Enforcement Agreement, and as in each budget resolution since fiscal year 1988, the Committee-reported resolution includes language prohibiting counting one-time asset sales as continuing deficit reduction.

Reserve funds for family and economic security initiatives: In language very similar to that included in the budget resolution for fiscal year 1992, the Committee-reported resolution includes procedural language—called "reserve funds"—that will allow deficit-neutral legislation to proceed on:

Initiatives to improve the health and nutrition of children and to provide for services to protect children and strengthen families;

Economic growth initiatives, including unemployment compensation or other, related programs;

Continuing improvements in ongoing health care programs and phasing-in of health insurance coverage for all Americans; and

Initiatives to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in America's children.

60-Vote Waiver of Point of Order: The Committee-reported resolution includes a section sponsored by Senator Gramm that would increase the number of Senators necessary to waive section 605 of the Congressional Budget Act—which prohibits exceeding the maximum deficit amount—from a majority to 60 Senators.

Economic and Technical Assumptions: The Committee-reported resolution includes a section sponsored by Senator Brown that states the sense of the Congress that the Budget Committees should use the more pessimistic of either the Congressional Budget Office's or the Office of Management and Budget's economic assumptions.

FUNCTION TOTALS IN COMMITTEE-REPORTED RESOLUTION 1993-97

This outyear totals in the Committee—report budget resolution were derived by formula and are not based on any specific policy assumptions. Discretionary function totals are straightlined at 1993 levels with an adjustment in the allowances function to meet CBO discretionary baseline totals. Mandatory totals are at CBO baseline levels except for assumed mandatory savings of $2 billion in each year (contained in the allowances function) and user fee proposals included in the transportation function.

[In billions of dollars]

	1993	1994	1995	1996	1997
050 National Defense:					
Budget authority	280.4	280.4	280.4	280.4	280.4
Outlays	290.9	283.0	283.6	282.1	281.7
150 International Affairs:					
Budget authority	19.0	19.3	19.4	19.2	19.2
Outlays	16.6	17.5	17.8	17.9	18.1
250 Space, Science, and Technology:					
Budget authority	17.1	16.9	16.9	16.8	17.1
Outlays	16.3	16.7	16.9	16.8	17.1
270 Energy:					
Budget authority	6.0	6.0	5.8	5.4	5.4
Outlays	5.4	5.6	5.1	4.7	4.1
300 Natural Resources:					
Budget authority	21.3	21.7	21.7	21.4	21.4
Outlays	20.9	21.4	21.4	21.3	21.0
350 Agriculture:					
Budget authority	16.5	16.8	14.6	14.4	14.4
Outlays	16.1	14.7	12.5	12.6	12.7
370 Commerce, Housing Credit:					
Budget authority	82.4	43.7	22.1	8.9	10.6
Outlays	75.4	36.2	−14.2	−42.4	−26.0
On-budget:					
Budget authority	78.5	42.5	22.7	7.3	7.9
Outlays	74.1	36.7	−13.3	−42.0	−27.0
Off-budget:					
Budget authority	3.9	1.2	−0.6	1.6	2.7
Outlays	1.3	−0.5	−0.9	−0.4	1.0
400 Transportation:					
Budget authority	40.9	41.0	40.9	40.9	43.1
Outlays	35.2	36.6	37.1	37.1	37.3
450 Community, Regional Development:					
Budget authority	7.4	7.2	7.1	7.0	7.1
Outlays	7.2	7.0	6.7	6.5	6.6
500 Education:					
Budget authority	50.7	49.0	48.7	48.6	49.1
Outlays	49.8	48.9	48.3	43.8	48.2
550 Health:					
Budget authority	104.3	114.5	126.3	140.0	154.9
Outlays	104.0	114.4	125.6	139.1	153.7
570 Medicare:					
Budget authority	132.2	146.2	162.7	182.8	203.4
Outlays	130.4	144.4	160.6	179.9	200.9
600 Income Security:					
Budget authority	198.6	206.2	214.1	227.6	243.2
Outlays	196.8	205.8	215.9	225.1	236.7
650 Social Security:					
Budget authority	306.2	323.6	341.7	360.8	381.1
Outlays	303.1	320.2	338.0	356.9	376.8
On-budget:					
Budget authority	5.9	6.5	7.2	7.9	8.7
Outlays	8.4	9.0	9.7	10.4	11.2
Off-budget:					
Budget authority	300.3	317.1	334.5	352.9	372.4
Outlays	294.7	311.2	328.3	346.5	365.6
700 Veterans:					
Budget authority	34.7	35.2	35.7	36.1	36.5
Outlays	34.7	36.7	35.8	34.7	36.6
750 Administration of Justice:					
Budget authority	14.6	14.7	14.7	15.5	15.5
Outlays	14.8	14.9	14.8	15.6	15.5
800 General Government:					
Budget authority	12.6	12.1	12.0	11.9	11.9
Outlays	13.1	13.0	12.5	11.8	11.6
900 Net Interest:					
Budget authority	213.8	231.1	245.3	260.5	278.4
Outlays	213.8	231.1	245.3	260.5	278.4
On-budget:					
Budget authority	242.0	263.8	283.3	304.6	329.5
Outlays	242.0	263.8	283.3	304.6	329.5
Off-budget:					
Budget authority	−28.2	−32.7	−38.0	−44.1	−51.1
Outlays	−28.2	−32.7	−38.0	−44.1	−51.1
920 Allowances:					
Budget authority	−4.1	1.8	8.3	20.3	34.2
Outlays	−3.8	−2.6	−0.5	15.8	34.7
On-budget:					
Budget authority	−4.1	1.8	8.4	20.3	34.2
Outlays	−3.8	−2.6	−0.4	15.8	34.7
Off-budget:					
Budget authority	0.0	0.0	−0.1	0.0	0.0
Outlays	0.0	0.0	−0.1	0.0	0.0
950 Offsetting Receipts:					
Budget authority	−39.9	−39.5	−40.5	−41.3	−43.0
Outlays	−39.9	−39.5	−40.5	−41.3	−43.0
On-budget:					
Budget authority	−33.4	−32.6	−33.2	−33.4	−34.5
Outlays	−33.4	−32.6	−33.2	−33.4	−34.5
Off-budget:					
Budget authority	−6.5	−6.9	−7.3	−7.9	−8.5
Outlays	−6.5	−6.9	−7.3	−7.9	−8.5
Outlays:					
Budget authority	1,514.7	1,547.9	1,597.9	1,677.2	1,783.9
Outlays	1,500.8	1,526.0	1,539.7	1,598.5	1,722.7
On-budget:					
Budget authority	1,245	1,269.2	1,309.4	1,374.7	1,468.4
Outlays	1,239.5	1,254.9	1,257.7	1,304.4	1,415.7
Off-budget:					
Budget authority	269.5	278.7	288.5	302.5	315.5
Outlays	261.3	271.1	282.0	294.1	307.0
Revenues:	1,173.4	1,261.6	1,339.9	1,413.1	1,489.9
On-budget	845.3	911.3	968.1	1,017.8	1,070.4
Off-budget	328.1	350.3	371.8	395.3	419.5
Deficits:	−327.4	−264.4	−199.8	−185.4	−232.8
On-budget	−394.2	−343.6	−289.6	−286.6	−345.3
Off-budget	66.8	79.2	89.8	101.2	112.5

Note.—On-budget deficit excludes Social Security and the Postal Service.

FURTHER EXPLANATION OF CHAIRMAN'S MARK AS REPORTED BY THE SENATE BUDGET COMMITTEE

Mr. SASSER. The Senate Budget Committee, in considering the Chairman's mark, made one major and one minor functional modification. It reduced the defense savings by $8 billion in budget authority, and it assumed repeal of the recreational boat user fee contained in Function 400, the transportation function.

Otherwise, the committee did not make any further revisions to the chairman's mark which provides for spending below the budget caps in both defense and international funding and funding at the cap for domestic funding which is necessary since the Senate did not permit consideration of S. 2399, which would have consolidated the defense and domestic discretionary spending caps in 1992.

The chairman's mark does provide for an aggregate budget authority freeze at 1992 levels on domestic discretionary spending in all functions. Ultimately whether a budget authority freeze is followed will be determined in final action on the 1993 appropriations bills.

However, in considering the chairman's mark as reported by the committee, the Senate should note some of the following concerns which the chairman's mark addresses.

FUNCTION 050

The chairman's mark notes that the mission of the DOE nuclear weapons complex is shifting from weapons production to environmental restoration of many Department of Energy facilities. The mark supports efforts to retrain and retain numerous Department of Energy workers for the clean-up mission. After decades of relative neglect, Department of Energy workforce medical issues should also be addressed including monitoring and surveillance of "at risk" former and current Department of Energy workers and coverage for work-related illnesses. Up to $300 million may be required for job retraining, medical monitoring, and medical coverage for work related illnesses of Department of Energy employees.

FUNCTION 150

The chairman's mark will allow international affairs spending to grow substantially over 1992 levels and accommodate the administration's proposals to aid the former Soviet Union, including a $12.2 billion budget authority increase for the United States' quota subscription to the International Monetary Fund [IMF], since the international affairs discretionary caps can be adjusted to include the amount appropriated for an IMF quota increase. However, the chairman's mark supports the increased quota subscription only if these funds are used to support

economic reforms in the former Soviet Union. The executive branch, which has only recently justified this quota increase in terms of aiding the former Soviet Union, may decide to support using these resources to aid more familiar recipients. To do so would be both short-sighted and misleading since Congress has been told that these resources will be used to aid the former Soviet Union in its economic, political, and social transformation.

The chairman's mark assumes that funding levels for the function will allow continuation of current levels of assistance for Israel and Egypt. The mark also supports increased funding for the Export-Import Bank, since U.S. Exporters forsee a need for substantial growth in Eximbank financing to assist them in new or expanding markets in Latin America, Eastern Europe, and the former Soviet Union. The United States should be prepared to assist U.S. Exporters in these important markets. The chairman's mark further supports continued funding of the "war chest" at a $200 million level in order to counter the predatory financing schemes of foreign governments.

FUNCTION 250

The mark supports the administration's increase in funding the National Science Foundation. The mark recognizes the increasingly important role that the National Science Foundation continues to play in expanding the Nation's scientific base.

FUNCTION 270

The chairman's mark can support increases for energy supply research and development programs. The multiple benefits of renewable energy warrant an enhanced and sustained commitment to renewable energy research and development over the next decade and can accommodate funding above the administration's request. The chairman's mark could also accommodate increases for the magnetic fusion program. Moreover, the marks assumes funding adequate to complete design work on the advanced neutron source [ANS] in order to move forward with construction of the reactor at Oak Ridge National Laboratory beginning in fiscal year 1994.

The mark also recognizes the growing opportunities resulting from the commercialization of technology developed in Government-operating laboratories such as the Oak Ridge National Laboratory. The Department of Energy has become an activate participant in various research and development agreements [CRADAS] established through the Federal Technology Transfer Act of 1986. The chairman's mark could accommodate an increase in funding for CRADAS and other technology transfer initiatives that are aimed at improving the Nation's technological and manufacturing base.

The mark recognizes the ongoing need for such successful programs as the Rural Electrification Administration [REA] and the Rural Telephone Bank [RTB] loan programs. The mark rejects administration proposals to change the way in which REA guaranteed borrowers receive loans through the Federal Financing Bank [FFB]. At the same time the mark could accommodate some of the administration's proposed increases for additional staff years as well as the administration's request for the Rural Development Loan Program.

If the Congress ultimately comes forward with an economic recovery program intended to create jobs and stimulate the domestic economy, the public/private partnership represented by the REA and RTB loan programs should be duly noted along with the essential health and educational services envisioned in the Rural Development Act of 1990.

FUNCTION 300

The mark recognizes that the Land and Water Conservation Fund is one of the most important natural resources program of the Federal Government. The mark can accommodate increases in funding for the Land and Water Conservation Fund, including the State Grant Program.

The chairman's mark can also accommodate an increase in funding for waste water treatment programs as well some additional funding for Department of Interior research and development of affordable water desalination technologies and projects.

FUNCTION 370

The chairman's mark rejects the administration's proposed reductions in appropriations for Postal Service revenue foregone.

The mark also allows for increases in the small business administration's Microloan Demonstration Program which is a highly valuable source of credit for very small businesses and home-based entrepreneurs.

FUNCTION 400

Increased investment in the Nation's transportation infrastructure is vital to enhancing short-term economic recovery and long-term economic growth. This goal is well reflected in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] which authorizes $154 billion over 6 years for the Nation's transportation infrastructure.

In light of this need, the chairman's mark rejects the administration proposed $2.2 billion reduction in transit funding authorized under this act as well as proposed elimination of the Northeast Corridor Improvement Program and deep reductions for Amtrak.

The mark as reported from committee also support proposed repeal of Coast Guard recreational boat user fees and establishment of a new user fee for access to the Federal Maritime Commission's automated tariff filing system.

FUNCTION 450

The chairman's mark recognizes the need for continued funding for essential economic development programs administered by the Economic Development Administration, the Appalachian Regional Commission, and the Tennessee Valley Authority. It also rejects the proposed reductions in the Community Development Block Grant Program.

The chairman's mark recognizes the urgent emergency management needs of local governments, particularly rural communities. The mark assumes that local and rural community emergency management funding needs will receive the highest consideration.

FUNCTION 500

The chairman's mark recognizes that there is a need for new Job Corps centers. It notes that there is strong community support to establish centers in many areas of the country including Nashville, Tennessee, Colorado and Illinois. There should be continued commitment to funding the Job Corps 50-50 plan which is intended to open up 50 new centers in the next several years and serve 50 percent more youth than are currently served.

The nearly $51 billion authorized for function 5000 rejects the administration's elimination of the community services block grant and the deep reductions called for in the library assistance and impact aid programs. It also does not include funding for the administration's "choice grants for American children", a Federal Education voucher program backed by the Administration.

The chairman's mark recognizes the continued importance of the Pell Grant and campus-based student aid programs as well as TRIO programs for low-income youth and young adults. The mark also can support funding at the full authorized level for the homeless Veterans Reintegration Program [HVRP] which is a highly effective Federal Employment and Training Program.

The mark can accommodate some increase in funding for the Older Americans Act which is essential for providing community based services as transportation, nutrition, and older worker programs which have not always kept pace with growing demand.

Finally, the mark supports continued expansion of the head start program.

FUNCTION 550

The chairman's mark can accommodate increased funding in a number of high priority health programs including childhood immunizations, community and migrant health centers, national health services corps, and other related programs to improve the health of children including infant mortality initiatives and the maternal and child health block grant to the States.

There is a pressing need to insure that children are fully immunized, particularly pre-school children whose current immunization rates are far too low. A comprehensive immunization strategy built upon existing public health and social services programs is needed.

Some increases for health programs for homeless veterans can also be accommodated in the mark, most especially for the Department of Veterans Affairs Homeless Chronically Mentally Ill [HCMI] and Domiciliary Care Programs.

The chairman's mark also notes the urgency for more funding for public health services aids programs, especially title 1 of the Ryan White Health Care Act which provides emergency assistance to cities hardest hit by AIDS. It also recognizes the need for the National Institutes of Health to address high-priority health problems through high quality medical research which is one of the most cost-effective investments the country can make.

FUNCTION 570

The chairman's mark urges increased funding for Medicare payment safeguard and audit funding. Appropriate funding of this activity could result in savings of millions of dollars now lost to inadequate claims review and screening of inappropriately submitted claims for Medicare services.

It should be noted that a February, 1992 report by the General Accounting Office [GAO] concluded that an estimated $1 billion could be recovered by Medicare intermediaries if sufficient funding is provided for Medicare claims processing and payment safeguard operations. GAO found that unrecovered overpayments are increasing Medicare because the volume of Medicare claims has increased at a rate of approximately 11 percent per year while funding for claims review activities has declined since fiscal year 1989.

Timely and accurate payment of Medicare's 700 million claims is of the utmost importance. The mark supports adequate funding to insure that the Medicare Program is administered properly and efficiently. It would be prudent not to apply Government-wide reductions in certain activities to contracts entered into for the administration of the Medicare benefit program.

FUNCTION 600

The chairman's mark could accommodate a substantial increase in the Women's, Infant and Children Supplemental Feeding [WIC] Program, up to a level of more than $3 billion in 1993. Additional spending on this program can be justified since it has been estimated that each dollar spent on pregnant women in the WIC Program can save from $1.92 to $4.21 in Medicaid costs for both mother and infant.

The mark also rejects that administration's proposed $435 million reduction in the Low Income Home Energy Assistance Program [LIHEAP] which would work a severe hardship on many low income families throughout the country. Consideration should also be given to forward funding this program for more timely disbursement of funding in the winter months.

FUNCTION 700

The chairman's mark seeks to provide the maximum amount possible under the caps for veterans medical care, and notes that the administration's budget requested an increase of almost a billion dollars for this purpose.

FUNCTION 750

The chairman's mark recognizes the critical role of the judiciary in the Nation's war on drugs and other criminal activities. In 1992 drug cases may total 25 percent of all criminal cases filed in district courts and since 1980 drug related criminal cases have increased by over 300 percent. Legislative mandates such as sentencing guidelines have also markedly increased the workload of the judiciary system, hampering its ability to try criminal and civil cases in a timely fashion.

The mark also recognizes the need for more expeditious handling of bankruptcy cases which reached the 1,000,000 mark for the first time in 1991. This workload will not diminish in the near future.

While the chairman's mark can not accommodate all funding increases in this function, full funding for judiciary requests should be given the highest consideration.

FUNCTION 800

The 1990 budget summit agreement provided additional funds outside of the domestic discretionary caps for Internal Revenue Service tax enforcement initiatives. The chairman's mark urges the Appropriations Committee to provide the full $183 million in budget authority and $179 million in outlays to fund these initiatives.

FUNCTION 920

The chairman's mark in this function assumes substantial reductions in the use of service contracts by domestic Federal agencies. At a minimum, budget authority savings of $67 million and outlay savings of $50 million are possible. Several studies have put Federal consulting service contract spending at between $4 billion and $20 billion. Thus, significantly higher spending reductions may be possible through curtailment of these contracts, especially where past research reports by the GAO and various inspectors general have indicated that such costs may exceed in-house costs by 25 to 40 percent.

The Office of Management and Budget must do a better job identifying the costs of service contracts to the Federal Government, developing more specific object class designations for service contracts and reporting this sort of spending by category in its annual budget submission. Agency compliance with the prohibition on using service contracts to circumvent hiring ceilings should also be closely monitored.

I, along with Senator PRYOR who has been a leading advocate for better controls in this area, intend to request a full-scale report on ways of dealing with consultant service abuses from the Office of Management and Budget in the near future.

Mr. SASSER. Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I wish that I were able to come before the Senate today and tell the Senate and those who are interested in our proceedings that we have the deficit of the United States under control, but regrettably that is not the case.

As a matter of fact, Mr. President, this budget is, I believe, everything the chairman said. I may have a little different version of some parts of it.

Indeed, one way of looking at it is that because of the defense cuts and the fact that we are not increasing the other two national accounts that are appropriated every year by a substantial amount, one might say it is a rather frugal budget and that, clearly, it would look like it begins to cut a swath in this deficit. But, truthfully, that is not the case. The best we can say is that the $400 billion deficit that we are probably going to hit this year will not be in excess of $300 billion, maybe as much as $330 billion, depending upon economics.

That is not much to vouch for this budget, and certainly there will be many who will say, "I will not vote for it."

But I choose to talk about the most important aspect of this budget as I see it, and then to spend a little time talking about the missing part of this budget.

First, Mr. President, I note that in the Presidential campaign, the contested one between those seeking the Democratic nomination, and looking at the two frontrunners, recently I saw in the newspaper a full page of questions of importance to our future answered by each of them. And I looked over it intently wondering—and I do not say this in any derogatory manner, but I anxiously looked to see if the major problem confronting the future of the United States was in that list of questions and answers. I am rather perplexed and somewhat embarrassed to say, no fault to the candidates, the most important issue confronting the United States of America was not even asked, thus not even addressed.

Frankly, Mr. President, I do not believe, at least this Senator—and everyone knows I am a staunch supporter of President Bush, but this Senator does not intend to leave the issue of the deficit of the United States out of the next Presidential campaign. I am going to do what I can by things I do here on the floor, things I do outside of this Senate in terms of my Senate office, to see to it that the two candidates for President of the United States answer the question: How are you going to get the deficit under control? What do you propose to get this almost diabolical aspect of our governance under control? And the answers cannot be vague. The answer cannot be eliminate waste, fraud, and abuse. We have abused waste, fraud, and abuse so much that essentially we ought to be talking about how we abused it rather than how much it will save. It cannot be, "Well, we are going to restrain the bureaucracy here and there, we are going to put a freeze on the Federal Government." All of those are perhaps, in these difficult times, things we ought to do.

But, essentially, Mr. President, the reason I believe the deficit is the real issue, how are we going to get it under control, is simply the following: If we do not get the deficit under control, it is this Senator's opinion that within 7 or 8 or 9 years the United States of America will be bankrupt. Now, that does not mean we are going to file a chapter 11, I say to the chairman, but what it means, Mr. President, is that our children and our grandchildren will have lower and lower standards of living rather than increasing standards of living, which has been the history and legacy of each generation to the one that followed. So when we ask where are the jobs going to come from, and when Americans say what is wrong with the economy and what are you going to do about it, either to the Senator from New Mexico or to the chairman or the Presidential nominees. The American people ought to understand that there is no fix for American prosperity in the future—growth and good jobs, productivity increases. There is no easy fix for that.

This huge debt, which cumulatively now is over $3 trillion, believe it or not, will be $6-plus trillion 9 years from now. If we continue with current policy, reduce defense as much as we can, spend very little on the domestic programs that we appropriate every year, no substantial big increase, we will increase the Federal debt over the next 9 years, according to CBO's calculations, by another $3.1 trillion. At that point in time we will be at 6.2 to 6.4 trillion dollars.

Now, what the American people have to understand is that this is a recipe for economic disaster, a recipe for an America that does not have jobs for her people, an America that does not have opportunity, an America that has said we do not care about saving our children from poverty. Without sustained economic growth and productivity increases, we are going to build a legacy for our children and grandchildren that, materially speaking, is the worst legacy any generation has ordained for

the next and the next generation in American history. No doubt about it.

Sometimes it is difficult for our American people to understand that the Federal debt is related to jobs. Let me see if I can do it in as simple a way as I can so that I, too, will understand it. It, hopefully, is not an economist speaking. But essentially, Mr. President, a capitalist economy—and American is one of those—must have capital in the private sector on which to grow. There must be savings by the American people to feed that need for capital so business can grow, retool, and reeducate. The essence of capitalism is to have capital available for the business sector, large and small to start new corporations and sustain mature ones. If you want sustained economic growth with low inflation, you must have sufficient capital to do that. The way to get capital is to save. If you have already borrowed $6.2 trillion that you do not have and spent it, you are taking the savings and using it for debt instead of for growth, giving it to the bondholders to whom you owe money, instead of the corporations that need it to build their new equipment, retool, reeducate, and compete effectively.

I can stand here and say, if we do not fix this disincentive to save, Mr. President, we do not care about our children of grandchildren and we intend to ignore their future well-being.

Having said that, Mr. President, the truth of the matter is that we are not going to control that deficit unless and until we decide that the mandatory part of this budget—and I will explain that in a moment, although the chairman did a very good job explaining it—unless and until we decide that in some way we are going to control mandatory spending.

Now, Mr. President, if we were to ask the American people, who think we are doing a terrible job in Congress, how much of the Federal budget is on automatic pilot, where the money is just rolling out because we have passed laws that entitle people or institutions to Federal money, most Americans think that we control all of the budget every year, all the time.

Mr. President, half of the Federal budget is on automatic pilot. That means that when this budget resolution is passed, if it is passed, and if it becomes the resolution of the Congress, that for 1993 half of the budget will automatically be spent on something like 500 entitlement or mandatory programs. Exclusive of Social Security, those programs will be growing at about 9 percent a year, led by the health care programs, for they will increase far more.

So what this budget resolution does is control defense spending, control foreign assistance, control domestic spending like the National Institutes of Health, education—all those programs that we appropriate such as the Bureau of Indian Affairs, and the Interior Department. All of those will be barely growing. Yet, the deficit will be going up because 9 percent is being added regularly to a basket of mandatory expenditures on which we set no limits.

Having said that, Mr. President, I from this side of the aisle have been preaching this for a long time. I am beginning to believe truthfully that we must solve this problem or we will not have a legacy of prosperity, jobs, and growth. I do not think I am alone in suggesting that this part of our budget, exclusive of Social Security which pays for itself, including its annual increases—I do not think I am alone in suggesting we must get that under control.

I am reading from the report of LEON PANETTA, chairman of the House Budget Committee, with additional views from WILLIS GRADISON. Page 20 of the document dated December 1991.

> The committee recommends the design of a cap enforced through the budget process on the growth of entitlement programs in order to reduce their underlying growth rate to sustainable figures. If that growth rate can be restrained permanently, the deficit problem in the entitlement area can be controlled. If not, all alternative sources of deficit reduction, defense cuts, domestic discretionary, taxes or user fees, will sooner or later be exhausted and the deficit will resume its inexorable climb.

Mr. President, frankly I see more support for trying to do something about this deficit than I ever have in the past. In the past, it seemed that every now and then somebody got worked up and said let us do something about it. But I think we are beginning to understand that a bankrupt America is an America that is not growing, is not producing new jobs, whose businesses large and small are not increasing their productivity. Essentially, no economic future, no standard of living increases for the next generation is the equivalent of bankruptcy, and that is the legacy we leave them.

So the time is now to do something about it, not necessarily in this budget resolution, to join together from both sides of the aisle to find a way we can control these 500 or so entitlement and mandatory programs and see if there is some way to force change so that they will not grow as rapidly.

Mr. President, I will address the issue of growing medical costs in a moment. But let me praise the Budget Committee. Albeit it was a slim vote by the Budget Committee, by 11 to 10—all Republicans joined with me, as their ranking member, and two Democrats joined us, on the issue of what level of defense spending is right for America now, this year.

Frankly, the decision was made that we would continue on the downward trend that the President had given us, that we would accept his $50 billion in additional cuts on top of the $170 billion we already had in place. By doing that we would not take a chance at reducing our defenses before we understood what kind of new world order we live in; that we would take it slow so we would not add hundreds of thousands of people to the unemployment rolls by forcing them out of the military. They are not draftees. They have contracts with the Federal Government. They are all volunteers. It is the best military we have ever had.

The committee decided that the President and the Joint Chiefs have provided sufficient cuts under those circumstances, and this committee reported to the Senate a budget resolution in concurrence with that.

As the debate follows and flows with reference to others who want to cut defense more, either the Senator from New Mexico or others will supply the needed information to justify the excellent work that the committee did in deciding to cut defense as much as the President asked for and no more for the year 1993.

I will close these remarks by suggesting that the chairman spoke to the future and budget restraint as he said, if I read him right, that medical costs had to be constrained or we would never get the deficit under control. I think that is accepted by almost everyone as the true facts about America's future deficit and fiscal responsibility.

We cannot raise taxes high enough to pay the increasing costs built into these programs but the Senator from New Mexico believes that as part of the reform of our health care programs, we ought to set in advance the amount of money we can spend. That would be the cap level. Then the reformers will put together the new national package to fit within those caps. I submit if we do not do it that way we will never control health care costs within this budget because, as we produce new and expanded health care legislation, the sky is the limit as to what it will cost.

There has to be some reality check, reality test. I believe that we should fit the reforms to the amount we are allocating in an enforceable manner in advance.

Having said that, let me just recap for everyone the truth about what is happening in this budget that is before us.

I have indicated that I believe the real issue and the only remaining one for budget resolution this year is the level of defense spending. I am very hopeful that the Senate will sustain the recommendations of the Budget Committee and go to conference with the House with the President's defense numbers intact.

But make no bones about it, this budget resolution assumes that we can save $2.1 billion in entitlements and mandatory savings from reducing Medicare fraud, waste, and abuse. Frankly, I do not believe we can, but it says we are going to save that and maybe the

committees will find the savings. But even with the mandatory spending, including an increase in interest expense of $13 billion in this budget, but excluding Social Security, will increase by $54 billion between 1992 and 1993. If $11 billion of that is interest, it seems to the Senator from New Mexico, if my arithmetic is right, we have $40 billion in non-Social Security, noninterest, automatic increase in mandatory programs growing, I say, to the chairman of the Finance Committee, at almost 9 percent a year.

There is no way we can keep pace with that, even though we are cutting defense by $20 billion in budget authority, those mandatory expenditures just continue to gobble up our resources at a never-ending pace. So let me suggest that if we really are serious about rebuilding an America that is prosperous and growing with good jobs and standard of living increases for our children and grandchildren, we cannot do that, unless and until we get this deficit under control; and that is going to take a goodly number of years under the most stringent of processes. But without it, all the dreams about our future, all the dreams about our competitiveness in the world, all the dreams we have about leaving our children a legacy of standard of living increases and opportunity, I believe go for naught.

We will not achieve them at Federal debt levels that, according to my calculations, will do the following in the next 9 years. Right now, the debt is $3.1 trillion, Mr. President, believe it or not. With all of the alleged ratcheting down that we claim we have done in budget expenditures, the next 9 years will see the debt double again. Another $3.1 trillion onto the $3.1 trillion that has accrued. I do not believe we can go much beyond that without seeing tremendous failures in the American economy, and people will ask Presidents to fix it, will ask Congress to do something about it. Essentially, we will dabble around the edges while the center, the real guts of America's future, prosperity, and growth in the private sector, in a changing world, will not grow and not compete.

So, from my standpoint, we ought to pass this budget quickly, but we ought to direct our attention to fixing the problems in our processes that do not permit us to control the mandatory expenditures as I have described them here today.

With that, Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I thank the distinguished ranking member for his remarks, and I think the remarks of my friend from New Mexico are heartfelt. He, as am I, is extraordinarily concerned about the growth of the Federal deficit, the growth of the national debt. We now find that the national debt comprises what is the equivalent of over 50 percent of the gross national product of this country. Our friends, the Italians, have a national debt that now is in excess of 100 percent of their gross national product, and we certainly do not want to go down that particular path.

I think my friend from New Mexico is being very candid with our colleagues here today when he says he wants to ask each of these candidates running for President what their plans are for dealing with the deficit. He is going to try to hold them to giving us an honest statement about what is to be done. Well, I want to join with my friend from new Mexico on that, but I want to say to him, good luck on getting an honest retort.

I read in the Washington Post this weekend an op-ed piece written by the very able chairman of the Senate Finance Committee, Senator BENTSEN of Texas, and he reminded me of some things that I had forgotten, but I remember other Presidential campaigns. I remember the very able minority leader, a man that I respect enormously—I think the generation represented by the minority leader, Senator DOLE, the generation represented by the distinguished chairman of the Finance Committee, Mr. BENTSEN, may very well be the finest generation of Americans in the 20th century. They were the Americans who braved the Great Depression years of the 1930's, who marched off to fight the war against fascism and militarism and won it, and came home to build the most prosperous economy the world had ever seen, at least in modern history.

I remember in New Hampshire in 1988, when Senator DOLE tried to tell the people of that State and the people of this country the truth, and he was asked, "If you are elected President, will you raise taxes, will you raise additional revenues?" He did not say he would; he did not say he would not. He simply said, "I am not going to abandon any responsible way of dealing with the fiscal problems of this country."

So what happened? He was pilloried in the media of New Hampshire and all across the country as a tax raiser—raising taxes. He was confronted with the slogan "read my lips," which I thought at the time was not responsible, and it pained me greatly. He is a man that I admire, one of a different political party and one of a different political persuasion, but one that I thought could have discharged the obligations of Chief Executive of this country with distinction, and it pained me to see him pilloried, and his drive for the nomination cut short by what I felt was not a responsible course of action on the part of his opponent.

I well remember the campaign of 1984 when this country was reeling from the revenue hemorrhages that were occasioned by the ill-advised Kemp-Roth tax cuts of 1981, which produced a structural deficit of $200 billion as a result of the passage of those tax cuts. Even in a full employment economy, you are going to have a deficit of $200 billion. The books just could not balance. So in 1984, another candidate for President told the American people what he was going to do, and he lost, as I recall, 49 out of the 50 States. He said, "I am going to raise your taxes, and I will tell you. The other man is going to, but he will not tell you."

So I say to my friend from New Mexico, good luck; I join him in the effort, but I am not sure that men of good will, and responsible individuals who seek the highest office of this land, can afford to level and tell the American people the truth, because some will come after them and try to take advantage of them and be irresponsible, as they are trying to be responsible.

Let me just address one other thing, and then I want to yield the floor, and perhaps yield it to my distinguished friend from Texas after my friend from New Mexico, who may want to reply.

I am concerned about entitlements. Entitlements are a problem in this budget, there is no question about that. But let us have a balanced view here of what the problems really are. I was just looking down the list of so-called mandatories or entitlements. In fiscal year 1993, these entitlements, mandatories, will produce $448.5 billion in revenues. Social insurance revenues represent 40 percent of the total revenues that flow into the Federal Treasury.

The outlays from entitlement programs will be $751 billion during the same time. That is 50 percent of total Federal outlays in 1993.

So not all entitlements are self-supporting, not all have their own dedicated revenue source, and there is a problem, no question about it.

But that is only one of the problems in the Federal budget, one of the problems in the deficit, and you are not going to cure it, in my judgment, by simply saying we are going to put a cap on Medicare and Medicaid or on entitlements because when you look at entitlements you find that 85 percent of the growth in entitlements over a 5-year period is solely because of the growth in Medicare and Medicaid. When you put a cap on them, they are either to flip back over as they burst through those caps, as I said earlier, and then we'll sequester or cut—in layman's language, reduce—the other mandated programs such as child nutrition—a whole host of others. And I know my friend from New Mexico does not want to do that. I know him well enough to know that that is not his intention.

What are we going to say to those who are on Medicare and Medicaid? When they hit the cap, are we going to say: Well, now, look. We cannot afford to pay any more here for your Medicare, and if the doctors will not treat you at this price and the hospitals will not take you at this price, you are just out of luck.

And what are you going to say to the poor, many of them working poor, when they cannot get treatment under Meciare because we have hit the cap and you just reduce those Medicaid payments down to the point where nobody wants to care for them? What are you going to do with them?

We live in the latter part of the 20th century. Every other modern, industrialized country save the Union of South Africa has dealt with the problem of getting health care to their citizens in a way that they can afford it except one: The United States of America.

I frankly do not think that simply putting a lid on these public health programs and saying: We are going to pay this much and no more, and the rest of it is up to you, to the old folks and to the poor—that just will not work. The society will not stand for that. There will be political repercussions, and there ought to be in democratic government.

So, I know my friend from New Mexico is concerned about these matters. I am myself, but we have to, I think, take a balanced view of this and realize that you cannot come at it just from one angle.

Mr. President, it is always a matter of some consternation to me. I really cannot fully understand why there is so much concern in some areas about the deficit, there is so much concern about the entitlements, and I share both of those concerns, but somehow funds spent on the military, that just does not matter. In other words, those are just like funds like manna from heaven. You do not have to borrow that money; you do not have to pay interest on it. That is just there, and that does not raise the deficit. That is a given.

I never can quite comprehend that mindset, but it is prevalent, and it is out there.

So let me conclude by saying to my friend from New Mexico, I share his concern and I know that his concern is genuine. I know it is heart-felt, and he is speaking from his heart when he tells his colleagues that he wants to do something about entitlements and he is concerned about the deficit.

I want to join with him in seeing that we can get these Presidential candidates to tell us really what they are going to do about the deficit, because in the final analysis we in the Congress can help. And we in the Congress have a responsibility; no question about that.

But in the final analysis, if we are going to really deal with the tough fiscal problems of this country, we are going to have to deal with them behind the leadership of a Chief Executive Officer of the country, and that is the President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I know Senator BENTSEN wants to offer an amendment. I just want to take no more than 5 minutes.

First of all, Mr. President, the Senator from New Mexico understands that dollars spent are dollars spent. Whether they are defense dollars or whether they are one of the mandatory entitlements, small little programs somewhere, that is automatically paying out to some group, or whether it is domestic spending, or whether it is foreign assistance, they are all contributing to the deficit at this point because we are borrowing all the time. We are not anywhere close to a balanced budget, so we are borrowing for any of this programs, no matter what their size.

We should not forget that defense is now being reduced under the current plan by $220 billion. The problem is it is being reduced, and we are spending so much that we do not see any results. Everybody is still running around waiting for the peace dividend. But we put $170 billion in savings in the 5-year agreement. If the President's $50 billion is following through, that is $220 billion, and the deficits do not come down.

As a matter of fact, I believe it is fair to say that if you want to get rid of all defense spending, you still will not get a balanced budget. As a matter of fact, at the turn of the century, without doing something else, the deficits will be rising again, so it is obvious that something is wrong with the process.

To conclude that we are undertaxed—which I understand the distinguished chairman really believes we should not have had the tax cuts in 1981. And I think he really believes because we did that, that is why we have the deficit and we would be in much better shape if we had not done that. But, Mr. President, while that was being done, the dramatic increases in the Social Security taxes on the American people were already in place. They had been put in place during the 1970's and became effective in the 1980's. The American people in working America are not under taxed.

In this year that we are planning for, starting in October of this coming year, Mr. President, the tax take of America—that is the revenue that will come in—with no change in law will increase by $86 billion. Social Security, the small Medicare payment, and income taxes are going to go up if the American economy is growing as predicated in the budget, producing $86 billion in increases. Part of it goes to Social Security, we understand. But the deficit does not come down by $86 billion because the entitlements and mandatory expenditures are going up, as I described them in my remarks about 10 or 15 minutes ago. So it seems to me that we all know the problem. No one is going to recommend significant new taxes under the processes that govern our budgets and our expenditures of money. No President is going to do that.

We are going to ask them how they are going to cut the budget, and it is not going to be taxes from either one because there is no assurance after the taxes are enacted that the deficit will not be just as bad as it is unless we decide to control the automatic expenditures of our Government.

So with that, I am hopeful that Senators who have amendments will let us know about them. On our side, I want to be cooperative with the majority and get this budget resolution to a final passage state as soon as possible.

I join with the distinguished chairman of the Finance Committee as a cosponsor of his procedural amendment, which I believe is greatly needed.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. BENTSEN].

AMENDMENT NO. 1761

(Purpose: To limit the levels of Social Security outlays and revenues in the resolution to current services levels and to clarify the application of section 301(i) of the Congressional Budget Act of 1974 to a concurrent resolution (as reported and amended), amendments thereto, or any conference report thereon)

Mr. BENTSEN. Mr. President, I have an amendment that I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. BENTSEN] for himself, Mr. GRAMM, and Mr. DOMENICI, proposes an amendment numbered 1761.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

SEC. . SOCIAL SECURITY OUTLAY AND REVENUE LEVELS.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional

Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

Mr. BENTSEN. Mr. President, today I am offering a Social Security trust fund protection amendment to the budget resolution. This bipartisan amendment is cosponsored by my colleague, Senator GRAMM, of Texas, and Senator DOMENICI, of New Mexico. This amendment closes the loophole that now makes it possible, with a simple majority vote, to enact legislation that reduces the reserves of the Social Security trust funds and threatens their financial integrity.

If you are dealing with the unemployment compensation fund or you are talking about the railroad retirement fund or Medicare or the civil service retirement fund or the military retirement trust fund, in each of those instances, any attempt to reduce those reserves, to spend them without an offset, is subject to a 60-vote point of order. And I think the protection for the Social Security trust fund should be no less.

Mr. President, when we negotiated the budget agreement in 1990, we intended to erect a Social Security firewall that would protect the Social Security trust funds from any changes that might weaken their financial integrity. One extremely important element of this firewall was to prohibit the budget resolution from allowing any reduction in the balances of the Social Security trust funds below levels expected under present law. With this firewall in place, if a bill proposed to increase Social Security benefits without paying for the cost, without replenishing that money to the reserves, or to cut Social Security revenues without also reducing costs, it would violate the budget resolution and be subject to a 60-vote point of order.

Well, we succeeded in taking Social Security off budget and out of the deficit calculations. We also tried to make sure it was protected from unwise legislative changes. For the most part, we succeeded. We made sure that the budget resolution reported by the Budget Committee could not reduce the balances in the Social Security trust funds.

However, we failed to provide 60-vote protection against amendments to the budget resolution that would allow the Social Security trust funds to be harmed. This protection is afforded to all other trust fund entitlement programs—all of them.

Mr. President, it is time to plug this hole in the Social Security firewall. If we do not, there is no telling how many unfunded proposals will be offered, or how much damage could be done to the Social Security Program.

Senators will recall the crisis the Social Security Program went through in 1982 and 1983, when there was a very real risk that Social Security benefits would not be paid. At almost the last minute, the Congress passed bipartisan legislation to save the Social Security Program and put it on a path toward financial recovery. That experience taught us the importance of erring on the side of safety where Social Security is concerned.

I do not think anyone here wants a repeat of that experience, or anything close to it. But unless we act today in a bipartisan manner to strengthen the Social Security firewall, there is a real possibility that could happen.

We have had some experts that have testified before the Finance Committee on the issue of what constitutes a safe reserve fund, what kind of cushion you need to have, what kind of leeway you should have. And most of the experts that have testified before us believe that the combined Social Security trust funds should have a minimum level of no less than 100 percent—that is a 12-month level—and preferably 150 percent—that would be equivalent to 18 months of benefit payments—in order to be safe. This 150-percent level will protect them in the event of a prolonged economic downturn, or other adverse changes that could lower the reserves. At the beginning of 1992, however, the reserve level of the combined old-age and survivors insurance and disability insurance funds had only reached 96 percent of 1 year's outgo.

The 1992 report of the board of trustees of the Social Security trust funds was issued just last week. This is the annual report that measures the short- and long-term financial health of the funds. This year's report estimates that under the intermediate, or "most likely" set of economic and demographic assumptions, the combined trust funds will not attain 18 months of reserves until some time in 1996. That is if the economy improves and everything goes reasonably well for the next 4 to 5 years.

The new trustees report also tells us that the disability insurance trust fund is in very poor financial shape. Last year, the disability fund was projected to be solvent until the year 2015 under the intermediate, or most likely assumptions. Under the more conservative, or pessimistic, assumptions used last year, the fund was projected to run out of money in 1997.

Mr. President, let me tell those Senators who have not yet had an opportunity to review the 1992 Social Security Trustees Report that last year's "pessimistic" trustees report estimates of the financial status of the disability insurance fund have become this year's estimates of what is most likely to happen. The trustees now estimate that the disability insurance trust fund will be exhausted in only 5 years—in 1997—under this year's intermediate, most likely assumptions, and could be bankrupt as early as 1995 under this year's pessimistic assumptions.

Further, Mr. President, the trustees now tell us that the combined Social Security trust funds will never reach a safe, 18-month reserve level under the current pessimistic assumptions, and could be exhausted before 2020. No one expects this to happen, but the recent experience with the disability fund should be cautionary for Senators who may believe that the Social Security trust funds are a cornucopia full of money to fund new benefits.

Precisely because the Social Security trust funds are not a cornucopia, they need the protection against unfunded legislation that is afforded by my amendment to the budget resolution.

Virtually every American depends on Social Security for their present or future well-being. I have always believed that one of my most important duties as a Senator is to assure that the Social Security Program is financially sound and will be there for American workers and their dependents when they need its benefits. I believe that many of my colleagues on both sides of the aisle share this view. We need to act together to establish a 60-vote point of order against unfunded Social Security amendments to the budget resolution now, in order to protect the Social Security trust funds from any and all future legislation that would raid their reserves and threaten their solvency.

Mr. President, my amendment is designed to prevent passage of legislation that would reduce the Social Security trust fund reserves. I urge Senators cast their vote for this amendment. By doing so, Senators will be voting to protect the financial integrity of the Social Security Program.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I am very happy to join my colleague from Texas as a cosponsor of this amendment. Under the current rules of the Senate, there is a 60-vote point of order against any budget that comes from the Budget Committee to the floor of the Senate that raids the Social Security trust fund and that lowers the level of solvency in the Social Security trust fund. After 3 long years of debate about how we could protect the solvency of Social Security, we put their firewall into place. But, because of a quirk in the language as adopted, we have the anomaly that the committee of jurisdiction, the Budget Committee, cannot report a budget which lowers the value of the trust fund unless a 60-vote point of order can be overcome. But at the same time, while the Budget Committee is prohibited from raiding the Social Security trust fund, any Member of the Senate can offer an amendment to reduce the Social Secu-

rity trust fund, but, because of this quirk in the rules, can avoid the 60-vote point of order.

So, Mr. President, this is simply an effort to have a uniform rule that says, having adopted a provision by Senator Heinz that built this firewall, our objective is to protect the Social Security trust fund. If a Senator comes up with a new benefit to pay out of the trust fund, thereby lowering its solvency, or if a Senator proposes to reduce the flow of revenue into the trust fund, thereby reducing its expected solvency level, there would be a Social Security protection point of order requiring that Senator 60 votes in the Senate. We had a lengthy debate about this. Senator Heinz made it his major objective to protect the Social Security trust fund.

We have a quirk in the rules of the Senate that does not make any sense. I do not believe it was ever anybody's intention that this quirk exist. The distinguished senior Senator from Texas and I are seeking to close this loophole to assure that, as it becomes more and more attractive to raid the Social Security trust fund, we have a barrier erected to prevent that from happening.

So I hope my colleagues will vote for this amendment. I think this amendment gives us our strongest assurance that we can provide under the rules of the Senate that any action that would lower the value of the Social Security trust fund will be subjected to the highest standard to which we subject any action by the Senate; that is that 60 percent of those duly chosen and sworn would have to vote to override a point of order that is erected with the clear objective of protecting the Social Security trust fund.

There may be extraordinary circumstances where that decision might be made. But I think it is a mistake not to assure that this wall is erected on the floor of the Senate as we have erected it in the Budget Committee. I think this is a very important amendment and I think the objective of the amendment is very simple.

If you want to guarantee that we erect a protective barrier between the budget and the Social Security trust fund, then you want to vote for the amendment of the senior Senator from Texas to assure that if somebody tries to take action that lowers the trust fund there is a point of order against it.

I urge my colleagues to study this amendment. It is simple. It is straightforward. I think it is needed. I think the American public is for it and I urge my colleagues to vote for it.

Mr. BENTSEN. I thank my distinguished colleague from Texas for his very eloquent statement.

Mr. President, I ask unanimous consent that a letter from the American Association of Retired Persons, which supports this amendment, be printed in the RECORD at this time.

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

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, April 7, 1992.

Hon. LLOYD BENTSEN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BENTSEN: The American Association of Retired Persons (AARP) supports efforts to strengthen procedural safeguards for the Social Security trust funds. When Social Security was taken out of the calculation of the federal deficit in 1990, a set of procedures was established to "fence-off" the trust funds. A 60-vote point of order lodges against most efforts in the Senate to increase spending or reduce trust fund revenues.

However there is a hole in the fence. When the Budget Resolution is on the Senate floor, Social Security trust fund income and outgo can be changed with a simple majority vote.

AARP understands that you will be offering an amendment to S. Con. Res. 106 to "fix the hole." AARP supports this amendment and urges its passage.

AARP has long maintained that the trust funds should be cordoned off. Without such protection, the trust funds would be vulnerable to efforts to unduly enhance benefits or reduce revenues. Such protection is especially necessary now, in light of the fact that the trust fund build-up has been slowed because of the recession.

The amendment you will offer completes the protection so necessary to maintaining public confidence in the stability of Social Security. Adoption of this amendment sends a strong message that adequate trust fund reserves should be maintained so current and future generations will receive the benefits they expect and deserve.

Sincerely,

JOHN ROTHER,
Division Director,
Legislation and Public Policy.

Mr. BENTSEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield such time to the distinguished Senator from New York as he may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, I have listened with great respect to the remarks of the chairman of the Finance Committee and I want to join him in this exercise, for reasons that are somewhat different from his, perhaps, but which in the end will be, I hope, sufficient for the purpose of the Senate. I speak as chairman of the Subcommittee on Social Security of the Finance Committee.

And I speak with a measure of concern and regret, at the end of a long effort to discuss this matter which goes back, now, 15 years, and which obviously has failed. The subject under discussion is what to do with the surplus in the Social Security trust funds. There is an enormous surplus. It comes in, now, at the rate of $1.5 billion a week—$1.5 billion a week. By the end of the decade I think it will be about $3 billion a week.

The surplus contemplated until the year 2015, to give a sense of the order of magnitude, would buy the New York Stock Exchange, which is to say purchase a very large share of the equity capital of the United States. It is that large an amount.

It goes into a trust fund, every dollar connected by number and name to an individual account. It is meant to be a contributory pension system.

If you look at your payroll check you will see that Social Security deduction under the initials FICA, for Federal Insurance Contributions Act. These are not taxes. In the usage we have developed we refer to them as payroll taxes. They are not taxes. They are paid under the Federal Insurance Contributions Act. They go to a trust fund to be held, to be kept for the payment of benefits and nothing else.

In the past few years we have grown accustomed to using this surplus as if it were, in fact, tax revenue. And we obviously mean to continue to do so for the next quarter century, until the surplus disappears. And we will find a trust fund filled with debt instruments. If we go to pay benefits after that there will be no money there. We will have to raise taxes of some kind, or payroll contributions, at that point.

What is going on? My good friend, the junior Senator from Texas invoked the memory of our beloved former colleague, John Heinz. I know what John Heinz thought about this subject of the use of Social Security revenues for general Government expenses. So do those many millions of Americans who would have been listening to the "Today Show" in January 1990, if I recall.

He and I were together being interviewed on this subject, and I cited an editorial in a New York newspaper, the Rochester Democrat and Chronicle, which said that what is going on is thievery. The anchor person in New York said to Senator Heinz: "Senator Heinz, would you agree with the characterization that what is going on now is thievery?" And he said, "Certainly not. It's not thievery, it's embezzlement." Embezzlement is what is going on and what we evidently mean to continue with.

It is very convenient for the other side of the aisle. It means we can use trust funds as general revenues and keep all the fake promises that had been made in the 1980's as we quadrupled the national debt. I am sure that they will have their way. They have their way all the time in this body.

My distinguished chairman and friend, and the junior Senator from Texas, mentioned the budget agreement that was made at Andrews Air Force base as having this strange ar-

rangement which makes a decision to raise or lower Social Security contribution rates subject to a normal majority vote and that this was somehow an oversight. It may well have been, but I have to say to my colleagues that the outcome of that budget agreement did not seem to be very promising for the party that gave this Nation Social Security.

I stood on this floor, Mr. President, and I said from my extensive knowledge of Roman history acquired through the novels of Robert Graves, I have come to the conclusion that it was a mistake for Senators to allow themselves to be taken to a military base and be put under armed guard to reach an agreement with Caesar.

I said then, Mr. President, and I say again, the Andrews Air Force Base agreement, and the legislation in return, I said on this floor that this is a proposal to reelect the President by statute. We on our side of the aisle gave up all flexibilities we might have wished to use in the event a long recession came, as one did, in the event that some new economics needed to be developed in the context of an enormous and continuing surplus, that the normal countercyclical measures did not seem probable. But we voted to reelect the President by statute and we shall have done, I do not doubt.

But why the party of Franklin Roosevelt should be party to this I do not understand. I think we are frittering away a great political legacy.

Around the country today there are primaries. One of the Democratic candidates has proposed a tax system, a flat tax which would abolish all levies, including the Federal Insurance Contributions Act, which would cease to make Social Security a contributory pension plan. Once you abolish that, whatever payments are made in the way of old age pensions are welfare, subject to whatever Congress decides, with the individuals having no claim on that money because they did not contribute it. And no one seems to mind that.

We have been frittering away our understanding of what Social Security is about. We have misread our own experience in our own time.

My friend from Texas said that in 1983 there was a real risk that benefits might not be paid. No, Mr. President. I was a member of the Commission that produced this agreement and we knew our situation and we knew that there might come a day if we did not act—and we did act frequently—when, in fact, checks could have gone out a day late, but the program was not insolvent. To the contrary, it was heading for the present surpluses, and we knew that. But it was in some ways too complicated a subject. You cannot explain it in 30 minutes. You just cannot.

I wonder what the Democratic Party thinks it is doing to itself. If we will not protect Social Security with the integrity that the system designed, put in place by Franklin Roosevelt, and Robert F. Wagner, and Frances Perkins, three New Yorkers, I do not know who needs the Democratic Party because from the outset, the opposition to this program has been persistent and the ability to play on fears continuous.

I believe, Mr. President, and I do not have it at hand, but there are from time to time public opinion polls on this. I believe a majority of nonretired adults in our country do not believe they will get their Social Security. And you ask what does that speak of public trust when a majority of the American people nonretired think they will not get their benefits which are contributed under their name, under obligation of trust to a trust fund. The Democratic Party has not done very well if 57 years into this system in which we have not been a day late or a dollar short we still have not received the confidence of our country.

Now we have the witness of such as John Heinz that we are embezzling the funds for other purposes, and do not think that word will not get around. Do not think there will not be people willing to describe what will be at some level of truth.

I said 57 years, Mr. President. I should make it further clear that the first old age pension was paid out in 1942. So, in fact, we are here just over one-half century into the program. Never a day late or a dollar short, but still not trusted, and now we commence to give reasons why.

I can understand that there are those who think that we have to protect ourselves against an effort to return to a pay-as-you-go system, but, Mr. President, do you know what is really on their minds? They think the surplus will some day be converted into greater benefits. I do not blame them. I sympathize with them, but it is not true. It is not true.

There is a hammerlock on this money. The money has been spent. The trust funds hold a part of our $4 trillion debt.

We had, in the Finance Committee, Mr. Darman testify before us awhile ago, and he was speaking about the ratio of debt to gross national product—gross domestic product, if you want. He made a point, which I think the very able and learned chairman of the Budget Committee might want to contemplate, and even get some econometric work done.

I was looking at a chart he had of debt as a percentage of GDP under three economic assumptions. At the lower economic assumption, which is a 2-percent growth rate, which we have not been reaching this last couple years, in about 4 to 5 years' time, the debt begins to compound as a percentage of GDP.

I said to Mr. Darman, "That means, sir, that the debt at that point is out of control." He said, "Yes, that is right; the debt is out of control."

And probably the only way you could deal with it at that point is to monetize it. That is a technical term, monetize. It means inflation. It means wipe out the value of the currency and become a Third World country, or developing nation—I think that is the euphemism—where people cannot pay their debts and whose bonds the Japanese do not want to buy. We are on the edge of that. It is a little complicated, but government is a little complicated.

The Director of the Office of Management and Budget said at a growth rate that is entirely conceivable, in about 4 years' time, our debt will go out of control, and then that will be a dandy legacy for all involved. But it is a pattern here, a pattern that has been in place since the deficit was put in place. Some may recall, but it has gone back so far I do not think many will, that in the early 1980's, I would stand on this floor and say the deficit is a deliberate construct. It is intended to immobilize the Government on the domestic front. The term used in the White House, the OMB, was "starve the beast." It was an idea. Young men have ideas like that.

Friedrich Von Hayek—and President Reagan was an admirer of Von Hayek, and why not had he have been—visited the White House in the mid 1980's, and he asked about this. It later came out in a magazine in Vienna titled "Profil." That is the name of the Journal. The wonderful title was "Maggie und Ronnie," referring to Margaret Thatcher, known as Maggie, and Ronald Reagan, known as Ronnie to his friends, or at least to that German editor. It was an interview with Von Hayek who, regrettably, no, not regrettably, full of age and honors, had just died. His book, "The Road to Serfdom," was, in 1944, one of the defining texts of our age. It took 40 years for many people to understand it, you might say.

He visited President Kennedy, and President Kennedy had said what a great book that was, how he read his books, and he, Von Hayek, probably accurately, said, "He had never read a word I had written." But he had visited the Reagan White House, and President Reagan was an admirer and advocate. So he said to him it was nice to have the two great English-speaking nations, Canada and the United States, under the——

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

Mr. MOYNIHAN. I am happy to yield.

Mr. SASSER. Does my friend from New York believe that President Reagan had read Von Hayek's books?

Mr. MOYNIHAN. I am sure he had read of them, and as much as he gathered the message of "The Road to Serf-

dom," he agreed with it. To be of good cheer. But Von Hayek related how in the White House he said, "Why are you running these great deficits? That is not good economics at all."

And he said, "It was explained to me that if we didn't have these deficits, the Congress would spend the money on wasteful domestic programs." They were deliberate.

In his recent work, and a wonderful work, about that period, called "Sleepwalking Through History," Haines Johnson of the Washington Post has a footnote in which he says of the Senator from New York that I was the first to warn that the deficits were deliberate. I was denounced and then proved right. Mr. Stockman was paid a very large sum of money to write it all out in a book which, curiously, having explained how it all went wrong, still did not sink in. But here we are in the aftermath, uncomprehending, stumbling and embezzling Social Security as the best idea we can find around.

I want to go back, because this is so important, to talk a little bit about the history here. and in particular, what it meant that in 1977 we went to a partially funded system without really, without really getting it clear that that is what we had done, a system that would throw off great surpluses with no idea what we had to do with those surpluses, how, in fact, you could, indeed, save them.

I was in the Senate at that time. I was a member of the committee of conference that brought this legislation back to the Senate floor. And I assure you, I stand here and say I did not really understand what we had done. It was the work of the professionals, a very able, gifted generation of men out of the depression years who had managed Social Security so well and expanded it to disability insurance and then to Medicare. They had given their lives to it and handled it so well that no one needed to understand it in the Congress or the executive, principally for this reason, and this is the crux of what I am about to say. In the early years of Social Security, it became clear that the only feasible mode of financing was to pay as you go.

It became an intergenerational transfer, but an intergenerational transfer in which all those involved had claims. I mean, they had paid in, and what they paid in they would, depending on the various formulas, receive in return. But each generation would finance the benefits. The working generation would finance the benefits of the previous generation, of the retired generation.

It was pay as you go, but it was contributory. Individuals put money in a trust fund account.

I am sure the distinguished chairman of the Budget Committee will recognize at least the name of Prof. Luther H. Gulick. He taught at Columbia for many, many years and is generally regarded as the man who created the modern Executive Office of the President.

The Committee on Administrative Management, if I recall, met in 1935–37. Luther Gulick knew Franklin D. Roosevelt. In those days everybody knew everybody. At least New Yorkers did. In the summer of 1941 he called on the White House and talked to the President. He said, "You know, Mr. President, I do not think the payroll tax"—as he called them—"the payroll contributions are very efficient." He was public administrator. And all over the country, a mostly female work force, was entering their 15 cents per week on cardboard cards, precomputers. Now we can whip up and tell you every contribution you have made in the last 45 years, and what you are getting. The largest cost of sending out the statement out to you would be the stamp. Technology has changed.

So he said, "You might be better just to collect the money from general taxes and pay it out." That was the public administrator, the management type talking.

Roosevelt responded to him. And like any good person visiting a person, Luther Gulick wrote it down. This is what Roosevelt said—and you can just see F.D.R. doing it, putting his hand out and saying, "Luther, I am sure you are right on the economics, but those taxes were never a problem of economics. We put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pension. With those taxes in there, no damned politician could ever scrap my Social Security program."

All over the county, one Democrat is proposing scrapping it right now, unintentionally, I am sure, and here we are debauching the trust fund.

I can attest to the authenticity of Luther Gulick's statement, sir, because it happens that at the age of 100 he is alive and well, and living at 15 Spring Street in Potsdam, NY. I spoke to him last week. With a mind clear as Easter bells, like anybody living up in Potsdam, the thing he was most interested in was the condition of the ice on the St. Lawrence River. He told me that the ice was breaking up but slowly. And he remembered very well this visit with President Roosevelt.

It is no accident that you have the Social Security number. Ask anybody what his or her Social Security number is.

Actually, we should do something about that. We are now giving out Social Security numbers in maternity hospitals. I would like us to have some sort of right of passage when you start paying into the system, get a plastic card that says you are a contributor. The administration does not want that. I can imagine they do not want it. Forget about your contributions; you will never get it. Bang bang, surprise, we are protecting it for you. Ha, ha, wait until you try to get it.

But I do think it would help if we gave people an annual statement of what their contributions have been and what their benefits would be; remind people that they have survivor's benefits; if a spouse dies, the living spouse and the children get benefits, and things like that. It is old age, survivors, and disability insurance.

I would love to see some creativity. You know, people ought to know that Social Security is there, it is theirs, and it belongs to them. Franklin Roosevelt, of the Democratic Party, saw to that. We put this right in place. That is their money, and not ours to embezzle as we please, as we are doing.

The first Social Security financing debate began within months of the program's enactment in August 1935.

Just a detail and an important one: At that time, the Supreme Court was being suspicious of and hostile to most of the New Deal legislation coming out of the White House via the Congress.

Francis Perkins was at a reception one afternoon and a member—and she recorded this in her book: "The Roosevelt I knew." She was worried about what to do with this program which American social scientists and socially concerned persons had been working on for 40 years to develop. A Supreme Court Justice came up to her and said, "How are things going with you, young lady?" And she said, "Oh," and Francis Perkins was a master of getting great men to do things for her. She was asked: What is going on? "Oh, sir," she said, "we have this wonderful program, but I know if we pass it, you will declare it unconstitutional." And the Justice said, "Tell me about your program, Madam Secretary." She explained it, and then he whispered to her, "The taxing power, my dear. All you need it the taxing power."

So the legislation introduced by the then gentleman from North Carolina, the chairman of the Committee on Ways and Means in the House, as a tax bill. As a matter of fact, about 2 years later the Court reviewed it. It was challenged as unconstitutional, and the Court said, "Well, it says here the powers of the Congress: the Congress has the power to levy and collect taxes. This is a tax. Therefore, it is constitutional."

In 1937 contributions began being collected, and the Republican Presidential candidate, the father of our able and respected junior Senator from Kansas, NANCY LANDON KASSEBAUM, Governor Landon charged that billions would be raised and wasted by Washington big spenders. Alf Landon foresaw in 1935 what his party would so enthusiastically join in doing in the 1990's, which is debauching the Social Security trust funds.

Well, of course, FDR said it will never happen. Those are trust funds.

Congress will never be able to get ahold of them. They belong to individuals. Ha, ha. A lot of people thought the same.

In January 1937, the payroll contributions went into effect and Arthur Vandenberg, who was a Republican from Michigan, questioned the fiscal prudence and political viability of building up a $47 billion trust fund by 1980. This was called for under the 1935 act, before the 1939 amendments went to pay-as-you-go. He said—in the usage of his time, I will reach far back—"With that much money, you can buy every farm in America."

I have said earlier—and you were not presiding, sir—that the surplus we now will develop by the year 2015 would buy the New York Stock Exchange, in order of magnitude. Vandenberg asked prophetically—Alf Landon was prophetic—"would such a fund remain intact and not suffer periodical depletions?" And Vandenberg went on, this is wonderful. He said, "It is more than human nature in a political democracy can rationally anticipate." Meaning that we would have a surplus and not deplete it is more than human nature in a political democracy can rationally anticipate. He recommended that the Social Security fund accumulate only a reasonable contingency reserve.

In 1938, a special study group proposed basically the same thing. And Congress followed these recommendations in the Social Security Amendments of 1939. And we have managed well on a pay-as-you-go basis for the past half century.

Now, in 1977, the system was in financial trouble. Inflation was high. Remember that postoil shock inflation? And benefits were imperfectly indexed to inflation according to a benefit formula enacted, I believe, in this Chamber in a hurry in 1972. It was just a mistake. And we could see ourselves looking out to where people would receive incomes in retirement that would be higher than in their working years, and their benefits would be far more than was anticipated. We had a general difficulty in thinking what to do.

But, on the other hand, we obviously had a crisis, because of that indexing deficiency. That is the origin of the notch. We had to correct the overindexing problem. By 1977, reserves had been permitted to drop to about 6 months' worth of benefits. Prior to 1971, the fund had never fallen below a year's worth of outlays.

But in 1977, we made the decision to go to a partially funded system. We moved up the schedule of payroll tax increases. That was a big decision.

(Mr. GRAHAM assumed the chair.)

I would say to you, Mr. President, I do not think anybody noticed it. I would invite interested parties to go back to the debate here on the Senate floor and see if anybody said: Now everybody get ready this is going to be throwing off at a $1 billion a week extra, $2 billion, $3 billion. Start thinking about that. What will you do?

And then immediately thereafter something else happened. This might have sunk in. You know you get used to the idea. But then in the late 1970's, wages fell behind prices for the first time since World War II. That is a situation guaranteed to deplete a fund like this because we had indexed benefits to prices while contributions were by definition connected to wages. And we started going back down into that crisis point we were at in 1977.

In 1983, the reserve fund was down, as the Senator from Texas has said, the 1 month's worth of benefits. I remember calling the actuary and saying, is this so? He said, yes, it is so.

I said, it cannot be so.

He said, that is what we thought but it is so.

So, the President and Congress worked together. Senator Howard Baker, a wonderful majority leader, helped put together an agreement for a National Commission on Social Security Reform, and I served on that body with our most distinguished Republican leader, Senator DOLE, who was the ranking minority member of the Subcommittee on Social Security, and with our beloved John Heinz.

And it took us a little while to put our legislation together, but then in a rush of activity about 10 days, 10 nights down at the building the President's guest house across from the White House there on Pennsylvania Avenue—and I might as well tell the story. We had elected a new Congress and the President, and one day Senator DOLE was on the floor and that morning he read an op-ed in the New York Times which said that Republicans in the Congress were not cooperating with the White House.

He said, we are continuing fine. He said, a lot of problems we can solve. Take that Social Security problem. When you first hear about it, it sounds impossible to deal with but, as a matter of fact, if you think about it, as you get to know it, and he has been listening we had a year of hearings. As you listened, you get to realize it is not that hard, we can solve this thing.

And it happened that was the day the new Congress came in, and I was sworn in for a second term, and BOB DOLE was standing right over there, and I went over to him and I said, and he repeated this in public or else I would not repeat it, myself, I said, "BOB, you mean what you said this morning about Social Security?

He said, "Yes."

I said, "Well, BOB you are right. It is doable, had we not better do it? In the end we have to govern."

He thought a moment, not a very long moment. He said, "Tell you what, you going to be around tomorrow?"

And I said, "Well, I sure can be. We were thinking about Florida, Key West, or something like that, but it is all right there are more important things."

The next day around 4:30 I met with him in his office and Bob Myers, Robert J. Myers, one of the people who devised the Social Security program in the thirties, a great actuary, a Republican, I guess an actuary should be Republican, actually, if I had to choose a party for actuary, Republican sounds right to me. He was there and we talked about this some more.

Then I said to him, "Why do we not ask Barber Conable to come over? And Barber Conable then was ranking Republican House Ways and Means and a member of our commission. The same day at 4:40 we met and Barber came, and Barber knew more about Social Security than anybody in the Congress, certainly than I, and he went on to be Chairman of the World Bank, and now I am happy to report is back to us as a citizen regent of the Smithsonian. We talked for another hour or so and then BOB DOLE, Senator BOB DOLE, left the room and I did not notice why he left the room but he did. He came back in about 10 minutes and he said, "Could you fellows be at Jim Baker's house at 7 o'clock tonight?" And we both said "Fine, sure. Where is Jim Baker's house?"

And Jim Baker was then James A. Baker III, who is now our distinguished Secretary of State. He said, "Do not worry, White House cars will pick you up." Those celebrated perks that can be of use from time to time. About 6:30 or so we were picked up and driven out to Mr. Baker's house. We met down in his den. He had down in his basement and we decided: What do you say we get this done?

I do not want to impute any political motives to Mr. Baker because he acted in the best possible manner but I think as a chief of staff he did not want a near bankrupt Social Security system on his hands when he ran his President for reelection in 1984. And nor should he.

And I think it then took us 10 days and the amendments were in place, we brought back the report of our commission, bang, bang they were passed, and the President signed them and we were in place and we were on a glide path to a huge surplus, that we never really saw, even then.

As early as 1986, 3 years later, the same Robert J. Myers recommended that we return to a pay-as-you-go system.

I wonder if I could get the attention of our able chairman of the Budget Committee who has been so supportive in these matters from the beginning and just to say something to him and there is no reason he should know this.

In 1988, Bob Myers came before the Finance Committee and said, "Senators, Senators, you aren't going to save this money. Go back to pay-as-

you-go. Otherwise you will find yourself a morally compromising position." I do not say he used that term. I use it.

You will be using trust funds as general revenue. Bob Myers served on the staff of the committee that devised the Social Security Program, a committee appointed by Franklin Roosevelt. He was a staff member. He worked for Social Security all his life. He heard in the 1930's a great Republican Senator say, "Oh, golly. A Social Security surplus of $47 billion." Arthur Vandenberg said, "It is more than you believe. It is not in the nature of the Democratic political system not to misuse that money." Arthur Vandenberg, 1937.

Forty years go by and Robert Myers who helped us devise this—we could not have done it without him—said, "Senators, you will not save this money. Go back to pay as you go."

Well, we did not. We tried to. The trust funds, the surplus grew and grew and grew, and under the system we put in place—now if I could be heard by any Senator on anything, I would like them to hear this—under the system rates we put in place 1977, the trust fund will reach $5.5 trillion by the end of the first quarter of the next century.

Mr. SASSER. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. SASSER. The Senator from New York knows there are a number of Senators who had expressed their anxiety about the growth of entitlements, and have indicated if we are ever going to get this deficit under control, that something must be done to curtail the growth of entitlements. Some are even contemplating putting a cap on certain entitlements and not letting them grow beyond a certain period.

Does the Senator from New York find it interesting that those same Senators that are proposing to limit the growth of entitlements, to put caps on, are also opposed to making the Social Security system a pay-as-you-go system? In other words, put a limit on the entitlements, but do not put a limit on the revenues that entitlements generate.

The Senator from New York is an expert on these matters. But as I understand it, Social Security is the largest of the entitlements. It is the one that produces a surplus of revenues. And it seems to me incongruent that those who want a limit entitlements and put a cap on growth of entitlements at the same time would resist using surpluses or resist returning surpluses in entitlements back to those who paid them into a trust fund.

Mr. MOYNIHAN. Well, these are the political heirs of people who did not want Social Security in the first place but do love regressive taxation. And they are going to end up getting their way, and we shall have facilitated it.

Mr. SASSER. So, if I understand my friend from New York correctly, what they are saying is they want to limit the benefits, they want to put a cap on benefits, but they do not want to limit on regressive taxation or on the revenues that these entitlements bring in the Treasury.

Mr. MOYNIHAN. Exactly.

Mr. SASSER. So limit benefits but do not limit the revenues that they raise.

Mr. MOYNIHAN. Limit benefits and embezzle the trust fund and get away with it under the name of fiscal prudence and the Fort-Andrews agreement. What do you need a Democratic Party for if that can be done for you by others?

And we made one effort, I say to the Senator, to call attention to what was going on. In 1989, in January, at my request as chairman of the Subcommittee on Social Security, the General Accounting Office gave us a wonderful report called "Social Security, The Trust Fund Reserve Accumulation, The Economy and the Federal Budget."

The trust of their report was, hey, you have a wonderful opportunity here. If you will balance the budget in terms of current operating accounts, collect as much taxes as you spend, and then take that Social Security surplus and save it in the only way it can be saved, in economic terms, which is to buy down the privately held Treasury debt, you will double the savings rate of the United States—in one instant, double the savings rate.

But it then said—if you do not do that, then you should seriously consider going back to pay as you go.

Two months later—this is March 1989—the National Economic Commission made its report. And this was established by statute in the closing days of the administration of President Reagan. The cochairmen were Drew Lewis and Robert Strauss, now our Ambassador to Russia, I guess, one-time Ambassador to the U.S.S.R. President Reagan appointed Drew Lewis and Caspar Weinberger. ROBERT BYRD, then Senate majority leader, appointed Lee Iacocca; Lane Kirkland, president of the AFL-CIO; and this Senator. Jim Wright, then Speaker of the House, appointed William H. Gray, Bill Gray, our great friend, Felix Rohatyn and Robert Strauss. Senator DOLE, as minority leader, then appointed my good friend Senator DOMENICI and Dean Kleckner of the American Farm Bureau, if I recall. House minority leader ROBERT MICHEL appointed Representative Bill Frenzel, an irrepressible Midwesterner, and Donald Rumsfeld, a most able former Secretary of Defense and head of the OEO program, and President-elect George Bush appointed former Congressman Thomas Ludlow Ashley and our great friend, who used to sit right over here, Paul Laxalt, Senator Paul Laxalt, the President's great friend.

We could not agree on an united report, although there is much closer agreement than you might think because everyone heard Jim Tobin, Nobel laureate from Yale University, say, "Hey, save that trust fund. You have a national economic mission. Your problem is we are not saving. So save it."

We made a pretty good report as we described the situations. Our report came out and it is a good document. Very little attention was paid to it. If only the President had paid attention, he might not have been down to a 38-percent approval rating, or whatever it is, 30 percent, and we might not be down to a 22-percent approval rating as an institution.

Senator Heinz, I am just told, was opposed to pay-as-you-go. But he also said embezzled, so there you are.

Here is what we said, and I think now I am reaching the time where I think the Senate has been patient enough with me.

But we said save that Social Security surplus by going back, by balancing the current operating budget, and using the surplus to buy down the privately-held Treasury debt.

Our concluding chapter was entitled "All Flags Flying!"

To say again, we can slouch into the 21st Century, or we can march into the 21st Century. The outcome will turn on whether we get our political arithmetic in order in the next five years.

I just make a point: Political arithmetic is Hamilton's term.

This may sound histrionic. We think for a number of reasons it is not. As for slouching, we think the possibility that we will misread the "twin deficits"—

The deficit in the Federal Government and the deficit in investment—

* * * see them as signs of long term imminent decline.

That pessimism we now see around here. And, alternatively, if we did just do that, what an inspiration to the Nation.

So we said—and I know the budget chairman would want to hear this:

After a decade of prolonged and stultifying debate the budget remains unbalanced. And it is likely to remain unbalanced unless and until there is seen to be something larger at stake than merely the performance of duty. Dull duty: virtue's residue, reason's remnant. We need something more; something to stir the blood. Something touched with civic courage and national achievement.

A budget surplus.

If only we had been listened to.

Then, this is the last.

Impossible, you say?

Fair enough. In which case we have some reflections of a different order.

This is speaking for the Democratic Members.

Let no one suppose that a Democratic Congress will much longer allow a payroll tax to be used to service a $2 to $3 trillion debt owned in vastly disproportionate amounts by wealthy individuals and institutions. It already requires nearly one-half the revenues of the income tax to pay the interest. This surely is the largest transfer of wealth from

labor to capital in the history of our "political arithmetic." But at least this is a graduated tax. By 1992—

Here we are, this year, 1992—

the trust fund reserves will have reached 100 percent of annual outlays—

That is what we said in 1989; 3 years ago, that they will have reached 100 percent by 1992.

Is there anyone on the Senate floor who would say other than that; that they have reached exactly what we said, 100 percent? This was not a clumsy piece of work. We put our hearts into this thing. And we were right on target.

By 1992 the trust fund reserves will have reached 100 percent of annual outlays; a considerable reserve. By 1994 the proportion reached 150 percent.

That may be a little off because of this prolonged depression.

If, in the next five years, no arrangements are made to save the future incomes to the funds, Congress—you may depend on it—will return to a "pay-as you-go" financing.

That is how wrong we were. We were right about the surplus. But how wrong we were about that. We went on to say:

That is not a threat. It is a political reality and, indeed, an ethical imperative. The nation struggled for a generation to ratify the XVIth Amendment to the Constitution.

Providing for a graduated income tax, I say in parenthesis—

The nation struggled for a generation to ratify the XVIth Amendment to the Constitution. We are not about to see it effectively repealed by a reform in the financing of Social Security.

This revenue stream is now in place. If it is saved, it will stay in place. There would be no difficulty devising a budgetary arrangement that would demonstrate to the American public that indeed it was being saved. Otherwise, we will lose it. What then? For openers the $200 billion deficit instantly reappears. Debt service continues to mount, and soon the $200 billion benchmark is left behind. Then, as seems inevitable eventually, a recession of some magnitude occurs.

Listen to this sir; March 1989:

Then, as seems inevitable eventually, a recession of some magnitude occurs. The deficit moves past the $300 billion mark. Our political arithmetic shifts over to algebra. The debt compounds in geometric proportions. No one any longer talks of budgetary balance.

And there you are. Did I not say to you, weeks ago the director of the Office of Management and Budget was before the Finance Committee saying yes, indeed, in a very few years there is a possibility that the debt will begin to compound in geometric proportions. He did it, just as we said he would.

The recession came, just as we said it would. The $200 billion deficit became a $300 billion deficit. It is now a $400 billion deficit. Everything Bob Myers said in 1988 came true. Gentlemen, he said: Go back to pay-as-you-go. You will not save the money.

That is the legacy. That is quite a legacy. Compared to the generation that gave us Social Security, the generation that gave up on it will not look very good in the history books.

Mr. President, I ask unanimous consent that the final chapter of this report, the minority report of the National Economic Commission, be printed in the RECORD at this point: "All Flags Flying!"

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

ALL FLAGS FLYING

To say again, we can slouch into the 21st Century, or we can march into the 21st Century. The outcome will turn on whether we get our political arithmetic in order in the next five years.

This may sound histrionic. We think for a number of reasons it is not. As for slouching, we think the possibility that we will misread the "twin deficits"—see them as signs of long-term, imminent decline—is very real indeed. Earlier we put it that the facts can be made to fit. Let us briefly expand on this point.

On July 15, 1979, Jimmy Carter delivered his celebrated "malaise" speech. Actually, his speech was entitled "Energy and National Goals," and his primary focus was on the need for energy independence. But days later—on the 31st—at a town meeting a Bardstown, Kentucky, President Carter referred to his address on the problems of energy and "malaise."

Before the address he had spent 10 days at Camp David speaking with a diverse group of Americans. In his statement he seemed to see the Nation's inability to move swiftly towards energy independence as characteristic of a more fundamental, deep-seated problem:

"It's clear that the true problems of our Nation are much deeper—deeper than gasoline lines or energy shortages, deeper even than inflation or recession * * *

"The threat is nearly invisible in ordinary ways. It is a crisis of confidence. It is a crisis that strikes at the very heart and soul and spirit of our national will. We can see this crisis in the growing doubt about the meaning of our lives and in the loss of unity of purpose for our Nation * * *

"We've always had a faith that the days of our children would be better than our own.

"Our people are losing that faith * * *

"The symptoms of this crisis of the American spirit are all around us. For the first time in the history of our country a majority of our people believe that the next 5 years will be worse than the past 5 years. Two-thirds of our people do not even vote. The productivity of American workers is actually dropping and the willingness of Americans to save for the future has fallen below that of all other people in the Western world."

The address was not well received. Leaders are supposed to buck up the nation, not to say they're worried about it. Bully pulpit. Nothing to fear but fear itself. New Frontier. Morning in America. Well, Abraham Lincoln didn't always talk that way, and it is no discredit to Jimmy Carter that he was concerned.

Looking back, even from a comparatively short distance, we can better see what Mr. Carter was getting at. Few realized it then, but by 1979 the United States was in the sixth year of what economists Frank Levy and Richard C. Michel have called "The Quiet Depression." Many quiet crises had begun to interact. We have touched on the long-term decline in productivity with its downward pressure on earnings. Simultaneously, the baby boomers began to enter the labor market and found that fun and games were sort of, well, over. There were an awful lot of "boomers". The unprecedented size of this age cohort had given the impression of unprecedented power and influence during its adolescence and early adulthood, when it stormed or frolicked through various institutions of the social order. Now it found itself in a notably unsentimental, much less indulgent institution, namely the labor market. In a word, they were a glut, clashing now with one another, albeit the quiet conflict of persons lowering the price of their services.

But this was only the half of it. The baby boomers, born to difficulty, now ran into bad luck. They did not move into a healthy economy but into one that was floundering. The OPEC oil price increases of 1973–74 and 1979–80 lowered real wages by 5 percent. In addition, for reasons that are not yet fully understood the growth in productivity slowed to a crawl after 1973—and so did increases in real wages. Attempts to raise wages led to inflation. Median family income stopped growing after 1973 and actually dropped below the record reached that year. As noted earlier, only in 1987 did median family income finally return to the 1973 level. We are aware of some of the internal difficulties of this particular measure, median family income, not least being that in response to the slowing of incomes families were slow to form and slow to grow. Even so, it is our best overall indicator.

Nothing like the 1973–87 experience had ever happened before in American history. Fourteen years in which family income remained below the previous record. In the aftermath of World War II the record would be surpassed routinely every two or three years. Clearly, this stagnation was a source of anxiety—malaise, if you like. Levy and Michel use a stronger term: Fear.

"It was this fear—baby boomers' perceptions that they would never live as well as their parents—that lay behind the sense of a 'vanishing middle class.'"

It may well be that the public tolerance of the borrowing and spending orgy of the 1980s was in some part due to the pent up fear among Americans then entering their middle years that things were never going to be as good for them as for their parents. Was it not just as well to "loosen up?"

Certainly, we see something of this in the writings, quite prominent of late, of the "deficits-don't-matter" school of some economists and assorted social activists. Theirs is a different order of fear, but not less evident. The fear of the latter group is that liberalism is a fading political force, and that the most it can hope for is that in years ahead conservative administrations will at least spend as liberals are said, by conservatives, to spend. Even if conservative priorities are different, this reasoning goes, something slops over into the social trough. If, on average, the federal government paid out $600,000 to every farm in the United States during the four year period of fiscal years 1986–89, well, some deserving farmers must have got something!

This reasoning does not impress us. American liberalism is not about spending, and never has been. It is about foresight, and it is about responsibility.

The plain fact is that America is showing much foresight these days, hardly one of which goes by without a new reminder of this fact. Thus in January 1989 the Educational Testing Service reported on "An International Assessment of Mathematics

and Science." A huge random sample of 13 year-olds was taken in five countries and four Canadian provinces. The United States finished last. In the main, Koreans seem to be the top group, but our neighbors in British Columbia perform formidably.

Experts in the field of education tell us that the battle for competence in science is won or lost in grades Kindergarten-to-8, which is to say by age 14. As these things will do, decline comes creeping slow, showing up years after it would be too late to catch up. In 1985, more than 19 percent of first degrees awarded in Japanese universities were in engineering compared with less than 8 percent in American universities. The result is about equal numbers of graduates in nations of hugely disparate population size. Further, in 1985, a full 55 percent of U.S. doctoral degrees in engineering were awarded to foreign nationals, many or most of whom return home.

We make it up with lawyers, graduating some 35,000 a year. The best the Japanese seem able to manage is 500. Rather, all the Japanese will allow is 500, that being the fixed enrollment of the single, state-run law school.

But this is a familiar litany. It all comes down to one fact. The United States is not saving, not investing. It would be comforting to know what happened to savings, to productivity, to incomes, but we do not—any more than those living in the middle of the Great Depression understood the causes of the calamity.

On the other hand, there are some propositions in this area that may be stated with a high degree of confidence. The first is that the debate over deficit reduction has persisted past the point of any profitable insight or constructive consequence. Wildavsky and White have said all there is to say:

"Whatever one thinks of the Reagan era, one thing is clear: the debate and politics of the deficit have been among the most stultifying and frustrating experiences in our political history."

(We note in passing that the NEC, which was created first and foremost to address the issue of the budget deficit never once took up the matter in a formal discussion among the Commissioners.)

We do know one other thing; we are certain of one other thing. This is that there already exists an immense revenue stream that will flow into the federal fisc for the next thirty years, which if properly used, which is to say saved, would raise our savings rate significantly, and thereby, at least presumably, perk up all the indices that follow from savings. We refer of course to the accumulations of surpluses in the trust funds of the Social Security retirement and disability system.

The reserves of these funds are already rising at $1 billion per week. Over the next three decades these trust funds are expected to accumulate surpluses of something over $3 trillion, excluding interest. Will we save it so that it will be available for productive investment? That is the issue.

This translates directly into another question. Is the United States prepared to upend its political arithmetic and begin running a budget surplus, that surplus being equal to the surplus in the Social Security trust funds?

This may come as a surprise to some. A surplus? The United States government never runs surpluses. Not so. It is true enough that the most recent surplus was in fiscal year 1969, but the United States budget has in fact been in surplus most of the time during the nation's two centuries. That is to say, for 108 years out of 200. The pattern is quite clear. During wartime government borrowed more than it raised in taxes. The Revolutionary War set this more or less inevitable pattern. Thereafter we paid back what we had borrowed by raising more in taxes than we spent. On occasion recessions, depression, or as the 19th Century called them "panics," made deficits inevitable, and until most recently were followed by the same response. The debt was reduced.

This, then, is our proposal. We must act as if we have been through a particular kind of emergency that led to quite abnormal budgeting practices. It was not a war; it was not an economic downturn after 1982. But it was abnormal. The judgment that it was a deliberately created emergency may be accepted or rejected, but surely the political arithmetic is indisputable. The national debt tripled in eight years. That is not quite the rate of the Civil War; about the rate of World War I; less than the rate of World War II.

Many have labored to provide a graphic image of just how stupendous the borrowing of the 1980s has been. We offer the following, which should settle the matter. In the four years of World War II the national debt grew by $168 billion. In current dollars this would come to about $1.4 trillion. In the eight years of Reagan budgets we borrowed $1.2 trillion in current dollars. In the 1980s the federal government borrowed (in constant dollars) almost as much it did during World War II. In a time of peace.

In may be noted that the economic planners of World War II were much influenced by and in part made up of our old friends from the TNEC. They had firm ideas about economic self discipline. Keynesian economics had made its way to our shores. It was in World War II that our policies were first influenced by Keynesian thought; the Depression was already past. In circumstances of great demand for consumption by the federal government—the costs of world conflict and the price of liberty for most of the world—Keynesian analysis called for the reduction of consumption in the private sector. It may come as a surprise to some, but price indices actually increased less during the World II years than they did during the first four years of the Reagan administration. They also remained essentially stable after a brief initial run-up during the Korean War years, when the war was financed almost entirely by taxes.

Almost a century ago, speaking at the unveiling of a monument to a Civil War regiment, William James spoke of the need in time of peace of a moral equivalent of war: civic courage as he put it. That trumpet summons us today as never perhaps in our long and proud history.

The elemental fact is that the United States economy has reached nearly full utilization of its existing means of production, distribution, and exchange. We are near to full employment; plant capacity is equally fully engaged. We do not wish to denigrate either achievement, but we would emphasize that they are limited achievements. Near full employment is in part a consequence of high government spending. It is also in part a matter of demographics. The baby boom was followed by a baby bust. New entries into the labor force are declining. Thus in 1990 there will be 44 million Americans in the age group 25 to 34, which is to say persons already in the work force, or, if not, intentionally so. By contrast, there will be only 24 million persons age 18 to 24, the age of new entries. In some measure, the current high levels of employment reflect low levels of investment. It is not an exaggeration to state that Japanese robots have taken over tasks that are still assigned to American workers. This leads to the observation that while it is a good thing, no doubt, to have reached the point of full plant utilization, this is far too much the utilization of an aging and in some sectors shrunken industrial structure, held back by lack of investment.

What is more, U.S. consumption as a percentage of Gross Domestic Product (GDP) reached 83.8 percent in 1986, the highest level since 1950. It was also the highest level of any OECD nation, only Great Britain came close. For the period 1982 to 1986, U.S. consumption averaged 83% of GDP. The average for the previous 10 years was under 80%.

These elemental facts of economic life have led persons in positions of responsibility who testified before the Commission to state that the U.S. economy cannot grow at a rate of more than about 2.5 percent without an unacceptable risk of increased inflation. Note that in the years immediately ahead, inflation, or the threat of inflation, will take on a wholly different aspect than at any time in the past. Inflation in the United States would be a form of repudiation of foreign debt. In that the debt is denominated in dollars we have that power. By contrast, third world countries do not. Their debt is denominated in our currency. As the spending boom of the 1980s crested, David Calleo commented:

"To create today's fiscal climate of colossal, wanton and unproductive indebtedness is to endow the American political economy with an almost irresistible propensity for inflation."

It is an observation to be kept in mind.

Clearly, we need to induce a much higher rate of national savings to provide for greater investment in our plant and equipment and in our workforce. The time is at hand for the public sector to act in the interests of the private sector. That is to say, it is time for the public sector to support the long-term interests of the nation, not the orgiastic indulgence of what Jerry Goodman ("Adam Smith") has called The Roaring '80s.

The NEC heard repeated testimony to this effect:

"Mr. VOLCKER: The first point is that we have had a long and very gratifying economic expansion, but I think we have to recognize that's been driven primarily by private consumption and by public expenditure. Private consumption is up about three percent relative to GNP. It's at the highest level relative to GNP that I could find in the history books except in the immediate postwar period when we had all those pent-up demands.

"Government expenditures are relatively high compared to the GNP. They've been down a little bit in the last couple of years, but they're two to three percent higher than they were in the late '70s.

"Now, the other side of that coin is that despite the fact we've had a long period of expansion, net private investments is rather low; it is restrained. We are not building up what we need for the future.

"After six years of expansion, we have pretty much used up our excess capacity. That's true, I think, in terms of labor. There is some doubt as to where full employment is, but we're certainly pretty close to it, full employment in terms of how much you can expand without strong inflationary forces.

"Certainly, we do not have excess capacity anymore, by and large, in our most competi-

tive international industries. And already, as you know, the inflation rate is rising to not very far below the five-percent level.

"We are clearly spending more than we produce. I think since we are near capacity, near full employment, we're spending more than we can produce. That is reflected in those big external deficits. We are supporting that consumption binge by importing a great deal from abroad. We have to borrow to cover that.

"We're absorbing a large part of the savings generated abroad, but we have to borrow abroad to maintain even a restricted level of investment so long as we are running a big internal budgetary deficit at the same time.

"The crucial issue that I think you face, the country faces, is how long can we or should we depend upon a big inflow of savings from abroad to maintain a very high level of consumption in the United States?

"And the point I would make to you is I don't know how long that can go on, but it can't go on forever, and the longer it goes on, the more debilitating it is and all the time there is a risk of a real financial disturbance that will bring to an end the period of economic expansion through a combination of depreciating currency, high interest rates, strains on the dollar both internally and externally.

"It would bring about the kind of recession that would be most difficult to handle because it would be easily propagated abroad when it is combined with a weak dollar and high interest rates.

You are facing a constraint that economic growth must slow. That is the implication of having used up excess capacity. Productivity has only been rising a little more than one percent a year on a trend basis. I see no reason why you can sit there or any of us can sit here and assume that is spontaneously going to increase.

"We know about what the labor force will increase. I think that gives us a potential, maybe a little on the generous side, or growing about two-and-a-half percent a year.

"Looked at in that light, what we have to do is increase our exports. We have to increase our investments to support the exports and to support growth, and to do that we're going to have to slow it to something like the growth in the rate of population. In effect, we've got to pay a little bit for that binge in consumption we've had for the last five or six years.

"The bottom line is I don't think you can do that in an orderly way without the risk of the kind of economic difficulties I described without changing budgetary policy. That is the way to attack directly the excess consumption * * *

"Ms. RIVLIN: A healthy rate of economic growth over the next several decades is essential not only to maintain a rising standard of living, but to make possible effective American leadership in the world. Our ability to grow, in turn, depends heavily on increasing national saving and channeling that saving into productivity-improving investment. The federal deficit diverts domestic saving from productive investment and into the financing of government services. With low private savings and negative public saving, the United States has become dependent on the inflow of capital from the rest of the world to finance our domestic * * *

"Mr. GREENSPAN: The United States deficits of recent years are threatening precisely because they have been occurring in the context of private saving that is low by both historical and international standards. Historically, net personal plus business saving in the United States in the 1980s is about three percentage points lower relative to GNP than its average in the preceding three decades. Internationally, government deficits have been quite common among the major industrial countries in the 1980s, but private saving rates in most of these countries have exceeded the deficits by very comfortable margins. In Japan, for example, less than 20 percent of its private savings has been absorbed by government deficits, even though the Japanese general government has been borrowing almost three percent of its gross domestic product in the 1980s. In contrast, over half of private U.S. savings in the 1980s has been absorbed by the combined deficits of the federal and state and local sectors.

"Under these circumstances, such large and persistent deficits are slowly but inexorably damaging the economy. The damage occurs because deficits tend to pull resources away from net private investment. And a reduction in net investment has reduced the rate of growth of the nation's capital stock. This in turn has meant less capital per worker than would otherwise have been the case, and this will surely engender a shortfall in growth of the standard of living.

"Mr. BERGSTEN: In the campaign and elsewhere, there's been a lot of talk about how real wages in this country have been flat for some time, annual earnings have not risen very rapidly * * * But what is also striking is that our private consumption rate, our per capita consumption rate has really been roaring ahead for the last five or six years, three to four percent a year, which is a historically very high rate. How did that happen? Well, entrants to the labor force, et cetera. But also a further sharp decline in the savings rate.

"So when the question comes up, * * * wouldn't tax increases hurt the economy, I would simply submit my reading of the early '80s is the opposite. We were told that the tax cuts would increase savings, increase investment, therefore improve the structure of the economy. They didn't. Savings have gone down sharply in the private sector. Private investment consumption has roared ahead and been the engine of growth, and we all know it's not sustainable.

"Mr. BROCK: This nation is living beyond its means, borrowing long-term in order to satisfy short-term demands for immediate consumption, and imposing as a consequence huge new obligations each week, each month, each year on our own children. Like some confused Robin Hood, we rob from those who have no voice or vote to satisfy our every whim."

From every point of the political spectrum what we heard was a call for a federal budget surplus. The case was made with great force in an article in the Winter 1988–89 issue of The Brookings Review entitled: "Getting Rid of the Budget Deficit: Why We Should and How We Can," by Thomas E. Mann and Charles L. Schultze.

"Ideally, by the mid-1990s the federal budget ought to produce not merely balance but an overall surplus in the neighborhood of $100 billion a year, or about 1½ percent of GNP. If that goal could be achieved, while the private saving rate remained at its level of early 1980 (6¾ percent), overall national saving and capital accumulation would be approximately restored to the healthier rates that prevailed in the three decades before 1980—eight percent of the net national product."

Dr. Mann is director of the Brookings' Governmental Studies program and former Executive Director of the American Political Science Association. Dr. Schultze is Director of the Brookings Economic Studies program and former Director of the Bureau of the Budget (now OMB) under President Johnson, and former Chairman, under President Carter of the Council of Economic Advisers. And how would they accomplish their goal of creating a surplus? By saving an amount equivalent to the surplus now being generated by the Social Security trust funds.

Alan Greenspan, Chairman of the Federal Reserve Board, testified before the Commission in almost identical terms:

"Mr. GREENSPAN: * * * [I]f one segregated the existing accounts between the Social Security trust funds on the one hand and all other, than obviously to the extent that the Social Security surplus emerged and we kept the remainder in balance, then obviously we generate a unified budget surplus which I have argued in other form is really a very important goal to achieve, if we can do so * * *"

Asked:

"Senator MOYNIHAN: If that were saved and translated into private investment, it would produce an economy that could throw off the revenues when the cash surplus ceased. It would bring down interest rates, would it not?"

He replied:

"Mr. GREENSPAN: It would."

To this end we can do no better than to cite the conclusions of the magisterial report of the General Accounting Office: Social Security, The Trust Fund Reserve Accumulation, the Economy, and the Federal Budget of January 1989:

"In the short run, we must bring down the total deficit. We cannot afford the depression of future economic growth that will result if we continue to channel scarce savings into the financing of large budget deficits. In the longer term, however, lowering the total deficit is not enough. In this context, the social security trust fund surpluses present a special opportunity to increase national saving. This should lead to higher productivity and more rapid economic growth. With faster growth, retirement benefits can be maintained for the baby-boom generation while also maintaining a higher standard of living for future workers.

"In principle, a higher rate of national saving could come in several forms. The only one that is directly subject to government control, however, is the budget. Just as budget deficits are a drain on saving, a budget surplus adds to national saving. As federal debt is repaid, these funds become available for private investment. In this way, the pattern of the 1980s (high interest rates, low investment, capital inflow, and the trade deficit) can be reversed.

"Coincidentally, we have an available source of such a budget surplus—the accumulating reserves in the social security surpluses to serve the purpose of adding to national saving, however, they must be accompanied by approximate balance in the rest of the budget, a far cry from the present situation. Without such a balance elsewhere in the budget, the trust fund surpluses will continue only to finance the other operations of government. This will reduce somewhat the current drain on national saving but not eliminate it, much less represent a net addition to saving.

"Of course, the economic effect of generating a total budget surplus does not depend on whether it comes from a surplus in social security or some other part of the budget. But, we believe the public will be more likely to

understand and accept a long-term economic growth policy centered on overall budget surplus if it is tied to the accumulation of social security reserves. Furthermore, there is a logic in having the current working generations save more so that when it retires, the burden of its retirement benefits will weigh less heavily on the working generation of those future years. This would be particularly advantageous because, in the next century, the ratio of retirees to workers will rise to unprecedented levels.

"Depending on the behavior of the business cycle, the most desirable budget posture of the government from one year to the next may involve either greater of lesser surpluses than are produced by the currently scheduled trust fund accumulations. Over the longer term, other factors may warrant re-examining what level of budget surpluses would be appropriate. For example, shifts in the patterns of personal and business saving could imply the need for total budget surpluses that are either larger or smaller than those projected for the social security trust fund. *Nevertheless, we believe that budget surpluses similar in size of the trust fund surpluses now scheduled to accumulate constitute a reasonable and appropriate place to begin a new direction in fiscal policy.* (Our emphasis.)"

* * * * *

After a decade of prolonged and stultifying debate the budget remains unbalanced. And it is likely to remain unbalanced unless and until there is seen to be something larger at stake than merely the performance of duty. Dull duty: virtue's residue, reason's remnant. We need something more; something to stir the blood. Something touched with civic courage and national achievement.

A budget surplus.

* * * * *

Impossible, you say?

Fair enough. In which case we have some reflections of a different order.

Let no one suppose that a Democratic Congress will much longer allow a payroll tax to be used to service a $2 to $3 trillion debt owed in vastly disproportionate amounts by wealthy individuals and institutions. It already requires nearly one-half the revenues of the income tax to pay the interest. This surely is the largest transfer of wealth from labor to capital in the history of our "political arithmetic." But at least this is a graduated tax. By 1992 the trust fund reserves will have reached 100 percent of annual outlays; a considerable reserve. By 1994 the proportion reached 150 percent. If, in the next five years, no arrangements are made to save the future incomes to the funds, Congress—you may depend on it—will return to a "pay-as-you-go" financing.

That is not a threat. It is a political reality and, indeed, an ethical imperative. The nation struggled for a generation to ratify the XVIth Amendment to the Constitution. We are not about to see it effectively repealed by a reform in the financing of Social Security.

This revenue stream is now in place. If it is saved, it will stay in place. There would be no difficulty devising a budgetary arrangement that would demonstrate to the American public that indeed it was being saved. Otherwise, we will lose it. What then? For openers the $200 billion deficit instantly reappears. Debt service continues to mount, and soon the $200 billion benchmark is left behind. Then, as seems inevitable eventually, a recession of some magnitude occurs. The deficit moves past the $300 billion mark. Our political arithmetic shifts over to algebra. The debt compounds in geometric proportions. No one any longer talks of budgetary balance.

It need not happen, and should not happen.

In Part I of our report we expressed our concern in the strongest possible way that we will not grow our way out of our present deficit position. In Part II we argued with all the force at our command that the real challenge is not the self-evident need to balance the budget, but rather to make a fundamental transition from deficit to surplus.

Mr. MOYNIHAN. Mr. President, great thanks for the courtesy of the manager of the bill, the distinguished Senator from Tennessee, and my colleague and dear friend, the chairman of the Finance Committee. They have been patient with me.

I have spoken longer than my habit but I wanted to do this. Having said it, I thank all and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, if the manager of the legislation, the Senator from Tennessee, will yield?

Mr. SASSER. I will yield the Senator from Texas time off the bill, although the Senator from Texas, I think, has ample time under his control.

Mr. BENTSEN. I thank my colleague.

Mr. BENTSEN. Mr. President, I do not think there is any better authority on Social Security than my distinguished friend from New York, who has lived with the concerns and the problems that have been attendant to it for a long time. He has brought about some innovative ideas to help Social Security. Due to his efforts, people who have been paying in for years better understand its benefits, understand what they have contributed.

We have a bit of a basic difference of opinion, however, on the one point about pay as you go.

We all deal from our own experiences. That helps form our judgments. In the private sector, I headed an insurance company, and I recall talking to the staff about a company out in California, how it was doing such an incredible job in selling annuities and how could it do that, how was its sales force beating ours, and in that regard, how could they sell annuities at such a cheap price and promise such benefits? Once we studied it, we found out why, and that was because they had some actuaries who made some highly optimistic estimates as to what they were going to be able to earn on the securities, extravagant estimates. This was why they did not keep near as much in the reserves as one would normally need. They went on building an enormous company, selling annuities at an incredible rate. But then those annuities began to come due, and then the insurance regulators went in and saw they were not earning what they had estimated on their securities. That started the demise of that company, and it went broke. The people who had brought those annuities found they were not properly funded, and they did not have the funds that they thought they were going to have in retirement.

That is what guides me in this. As my friend was invoking the name of our admired and esteemed friend John Heinz, he described exactly what John said about embezzlement in the funds, and that was his feeling. But, on the other hand, he argued to set aside the Social Security trust funds, and he also said that if people want to reduce those reserves, then let us make them climb a bit of a hill to do it, and let us fix that glitch in the firewall. Let us take care of this so that we put Social Security on the same basis as the rest of the trust funds, where it takes a 60-vote point of order. Fix the glitch, Senator Heinz, said, in response to our colleague, Senator DOMENICI, from New Mexico.

So I say to my friend, I listen to the $1.5 billion a week or $1 billion or $2 billion. They are incredible numbers. He is right. But you are talking about 41 million people now dependent on Social Security retirement and disability benefits, and you have to, in my opinion, build the kind of surplus that is going to be there and ready to fund benefits when these baby boomers reach retirement. We are in trouble if we cut back.

Now in this latest report of the Trustees on the disability fund, the actuaries tell us we are going to be in trouble and exhaust the fund's reserves—in 5 years is pessimistic, but some say in 3 years.

I think it would not be prudent, indeed, for us to start cutting back on the reserves, particularly at a time of economic hardship, a recession that has gone substantially longer than the administration thought it would or that many economists thought it would. It is difficult enough to predict the future and decide what the economy is going to do. If it further deteriorates, we may have a further problem insofar as assuring adequate reserves for the future.

So I hope my friends in the Senate today will vote for this amendment and say, like John Heinz: If you are going to take a chance and reduce those reserves, if you are going to increase benefits without paying for them, without putting an offset in, if you think you have a good enough case to sell that point, maybe you ought to climb a bit of a hill to do it and have to meet the discipline of 60 votes as other entitlement trust funds have to do. Put us on the same basis in that regard.

When we had AARP in testifying before the committee, they thought trust fund reserves ought to be 200 percent, that you ought to have 2 years built into the reserves. We had the AFL-CIO and NCSC saying 125 to 150 percent. We had the General Accounting Office saying that 100 to 150 percent would be adequate.

No, I do not know for a certainty what the exact amount should be. But if I was to err when I was talking about the retirement of people who have put their contributions into Social Security year after year through their productive lives, I would err on the side of prudence, on having a cushion to see that those savings do not turn to dust.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

Mr. SASSER. Mr. President, I am prepared to yield all time back if the distinguished Senator from Texas is prepared to move forward.

Mr. BENTSEN. I am prepared to yield all time back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not intend to speak very long, but I yield myself whatever time I use off of my time on the resolution.

I might ask Senator BENTSEN, did he introduce in the RECORD the John Heinz letter?

Mr. BENTSEN. No; I did not.

Mr. DOMENICI. Mr. President, I am sorry that Senator MOYNIHAN, the distinguished Senator from New York, is not here. He alluded to John Heinz, deceased John Heinz, and how he wanted to protect the Social Security trust fund. I am not sure what the Senator from New York said about Senator Heinz's position with reference to this firewall that we are trying to reestablish in the Bentsen amendment. It was there sometime in the past. It was discarded in the meetings that we had for the economic summit. The chairman of the Finance Committee is trying to put it back for the period of time of this budget resolution and perhaps for the remainder of this year, as I read it.

Senator Heinz was in all of the meetings that I called. I think I had the first meetings to talk about a need for a firewall because it has always bothered the Senator from New Mexico that, on the one hand, rather than go to the pay as you go, we were all saying let us keep the surplus, and aside and apart from the fact that it is invested in Treasury bills, it is counted as a surplus for purposes of looking at the accounting system, and it could have been the subject matter of bills that would have spent it, perhaps, for related programs but not necessarily for Social Security. We started early meetings saying that should not be easy to do. So, hence, the word "firewall" and the 60 votes.

Senator Heinz, on March 19, 1991, wrote to the Senator from New Mexico and he said:

DEAR PETE: I'm ready. Let's fix the glitch in the budget process reform legislation and protect Social Security and get it done quick. Let me know how you want to proceed and/or have Bill Hoaglund call Jeff Lewis of my staff.

Sincerely,

JOHN HEINZ.

So, obviously, on this issue Senator Heinz wanted to make it very difficult, once he and others had succeeded in taking it off budget, wanted to make sure as it grew in surplus a new program would not be introduced that would use it and spend it for an actual program as compared with buying Treasury bills, which is what we are doing now.

Mr. President, it seems to me that Senator BENTSEN and Senator GRAMM have hit the nail on the head. We never should have taken that 60-vote firewall out. It got out, as I understand it, in some ways that I did not understand. I was not sure that was supposed to happen as part of the agreement, but it did, and we cannot put it back permanently because we have to pass a law to do that. But clearly, as I understand it, we can reimpose the 60-vote firewall for the remainder of this year on the existing budget resolution and on next year's budget resolution, which is the subject matter of debate.

We will have to get the House to agree to it in conference, obviously, but if it passes I will do my best to see that it is adopted. How much time do I have on the amendment, Mr. President?

The PRESIDING OFFICER. There are 55½ minutes remaining on the amendment.

Mr. BRADLEY. Mr. President, I rise in strong support of the amendment offered by the Senator from Texas to close the loophole in the budget as it relates to Social Security.

Under current law, any amendment offered on any bill that reduces the solvency of the Social Security System is subject to a 60-vote point of order. The only exception is an amendment to the budget resolution. I believe that this loophole should be closed.

As budget pressures mount, there will be growing pressure to raid the reserves to pay for priority programs. Some of these efforts such as Senator MOYNIHAN's Social Security tax cut, may have some merit; some of these efforts, such as the notch, have little merit.

In any case, to ensure that Social Security is protected, in the long term, we should take steps to ensure that efforts to tamper with the reserves cannot be taken without the support of a sizable majority in the Senate.

Mr. DOMENICI. On my side there is 55? I am ready to yield it back.

Mr. BENTSEN. I know of no one else on my side ready to speak.

Mr. DOMENICI. I yield back my time.

Mr BENTSEN. I yield back my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

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

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—94

Adams	Glenn	Mitchell
Baucus	Gore	Moynihan
Bentsen	Gorton	Murkowski
Biden	Graham	Nickles
Bond	Gramm	Nunn
Boren	Grassley	Packwood
Bradley	Harkin	Pell
Breaux	Hatch	Pressler
Brown	Hatfield	Reid
Bryan	Heflin	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Rudman
Coats	Johnston	Sanford
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Craig	Kennedy	Seymour
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McCain	Wellstone
Ford	McConnell	Wofford
Fowler	Metzenbaum	
Garn	Mikulski	

NAYS—3

Akaka	Bingaman	Conrad

NOT VOTING—3

Bumpers	Pryor	Wirth

So the amendment (No. 1761) was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that all but 25 hours of debate on the resolution be yielded back, and that of the 25 hours remaining, they be equally divided between the majority and the minority leaders, or their designees.

I further ask unanimous consent that on returning to the resolution tomorrow morning, the Senator from Missouri [Mr. DANFORTH] be recognized to offer an amendment; that upon the disposition of the Danforth amendment,

Senator EXON, the distinguished Senator from Nebraska, be recognized to offer an amendment; and following the disposition of the Exon amendment, that a Republican Senator be recognized to offer an amendment. I am advised that Senator BROWN, the distinguished Senator from Colorado, will be recognized following the disposition of the Exon amendment; and following the disposition of the Brown amendment, the distinguished Senator from New Jersey [Mr. BRADLEY] will be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, Mr. President, and I shall not object. I mention that we have not sought time agreements, because under the statute, there are 2 hours on an amendment, and an hour on an amendment to the amendment. But we are hopeful that that time will not be used, and that they will be taken in terms of their priorities tomorrow. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That when the Senate resumes consideration of S. Con. Res. 106, the concurrent resolution on the budget for fiscal year 1993, there be remaining 25 hours for debate and that the Senator from Missouri (Mr. Danforth) be recognized to offer an amendment.

Ordered further, That upon the disposition of the Danforth Amendment, the Senator from Nebraska (Mr. Exon) be recognized to offer an amendment.

Ordered further, That upon the disposition of the Exon amendment, a Republican Senator (most likely the Senator from Colorado (Mr. Brown) be recognized to offer an amendment.

Ordered further, That upon the disposition of the Brown amendment, the Senator from New Jersey (Mr. Bradley) be recognized to offer an amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. 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. SASSER. Mr. President, I suggest the absence of a quorum and ask that it be charged equally against both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. SASSER. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators be permitted to speak therein.

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

UNITED STATES FINALLY RECOGNIZES INDEPENDENT SLOVENIA, CROATIA, AND BOSNIA-HERCEGOVINA

Mr. PELL. Mr. President, I welcome the administration's decision, at long last, to recognize the independence of Slovenia, Croatia, and Bosnia-Hercegovina. In taking this action, the United States joins more than 50 other countries who, beginning in January, have recognized Slovenia and Croatia. The administration's announcement also brings the United States in line with the European Community, which yesterday recognized the independence of Bosnia-Hercegovina. As one who has called for the administration to retool its policy toward the Balkan region, I am pleased that the United States has finally acknowledged that Yugoslavia no longer exists and that it is time to move on. I am hopeful that the outstanding issues between Greece and Macedonia can be resolved soon so that the way to recognition will be opened.

I look forward to hearing further details about how the administration plans to proceed with the establishment of full diplomatic relations with the three countries, and I hope that this will be done swiftly. Moreover, as the administration formulates its plans for future United States relations with Serbia and Montenegro, I would hope that it will insist that these two Republics respect the independence and borders of the other newly independent countries as well as other CSCE principles, particularly those on minority rights. The administration must hold Serbia and Montenegro accountable to standards of international conduct that it applies to other countries.

I am also pleased to learn that the administration will restore the trade benefits to Croatia, Slovenia, Bosnia-Hercegovina, and Macedonia that were suspended for all of the former Yugoslavia on December 6, 1991. These countries will also be available for U.S. assistance programs which had also been suspended. The newly independent countries need humanitarian relief due to the war that has ravaged the region. They also need our support to make further progress in democratization, market reform, and human rights.

As we welcome this good news, however, tensions and indeed bloodshed continue in the former Yugoslav Republics. Of course, recognition of these countries' independence is not an immediate cure for all of the many outstanding problems in the former Yugoslavia. I am hopeful, however, that U.S. support for the independence and territorial integrity of these new countries will help ease the task of the U.N. peacekeepers who are currently being deployed to the region. I am also hopeful that these new developments may encourage progress at the EC-sponsored peace conference chaired by Lord Carrington. Now that the United States and the European community are on the same track, I believe that greater progress may be possible.

CONGRATULATIONS STEVE GACHUPIN

Mr. BINGAMAN. Mr. President, I rise today to recognize the accomplishments of an extraordinary man, Steve Gachupin. Mr. Gachupin, a native and resident of Jemez Pueblo, was recently awarded the Bob Rodale Golden Shoe Award for what Runner's World magazine praised as his "27 years of dedicated and inspiring coaching."

A legend in his own right, Mr. Gachupin first gained notoriety when he won the Pikes Peak marathon in 1966. He went on to set a new record—which remains unchallenged—for winning the same marathon an impressive 5 consecutive times. Rather than revel in his own success, Mr. Gachupin has used his talent to teach the young people of Jemez Pueblo. In his 27 years of coaching track and cross-country at Jemez Valley High School, Mr. Gachupin's team has earned 14 AA State cross-country championships and placed second four times.

As an avid runner, I admire Mr. Gachupin's discipline and victorious record. I also respect his commitment to his students and the people of Jemez Pueblo. When asked once what motivates him to succeed he replied, "To bring honor to my village."

Mr. President, I am sure all of my colleagues join me in congratulating Mr. Gachupin—a humble man of great achievement and integrity.

RECOGNITION OF BARRY L. HARRIS

Mr. FORD. Mr. President, I want to say a few words about an outstanding public servant who is currently serving as Administrator of the Federal Aviation Administration. Barry L. Harris came to Washington in 1989 to serve as the Deputy Administrator of the FAA. He brought with him considerable experience in general aviation, and a distinguished business background. I was a little concerned that Barry had not had extensive experience with Washington, or with the commercial aviation sector, but I supported his nomination and, of course, the Senate confirmed him.

He had not been on the job long when I had occasion to ask him to meet with me and another Senator about a difficult issue important to many people

in the aviation community. It was at that meeting that I first saw the qualities that distinguished Barry: An open mind, independent judgment, candid expression of views, yet sensitivity to the concerns of others.

Last fall when Admiral Busey moved to the Department of Transportation to become Deputy Secretary, Barry assumed the role of Acting Administrator of the FAA. A nominee for Administrator had been submitted to the committee, but ultimately the Senate was unable to confirm him. Barry continued to serve as Administrator. The job allowed him to display the range and extent of his considerable abilities. Everywhere I heard comments about how well he was running the agency. I saw evidence of decisive management, of commitment to the mission of the FAA. I also saw that he was not afraid to try changes, and did not shrink from identifying weaknesses in the agency. He won the respect of the aviation community, as well as the loyalty and affection of the people at the FAA.

Many including this Senator hoped that Barry would be nominated to the job of Administrator. There is not a doubt in my mind that he would have been an outstanding choice.

It is not my job to select candidates for jobs in the executive branch. It is the job of the Senate to consider and, if appropriate, confirm those nominees. I intend to proceed with the nomination process, but I did not want to let the moment pass without recognizing a man whom I have come to respect and value, and without thanking him for his able stewardship of one of the most important agencies in the Government.

DEATH OF FATHER JAMES HARVEY

Mr. MOYNIHAN. Mr. President, I rise to mourn the passing on March 30, 1992, of the Reverend James R. Harvey, priest and social worker. I met Father Harvey in 1985 when I made a spur-of-the-moment visit to my old parish during a trip through Queens. I found that it now housed an ambitious and successful job training program for young ex-offenders, headed by Father Harvey.

As a chaplain at the Queens House of Detention and at Rikers Island, Father Harvey knew of the need for such training, and he had begun finding jobs for these young men and women in florist shops and other businesses. He called the program "Flowers With Care."

To meet the other needs of his young apprentices, Father Harvey began to offer such services as substance abuse counseling and remedial education. As these programs grew, other young people who needed help began coming to him, runaways and homeless youths mostly. He did what he could to help them, meaning he worked tirelessly. He opened a 20-bed shelter for them, and found ways to stretch his budget so he would not have to turn them away.

I expect Flowers With Care to continue without Father Harvey; it is needed too much to do otherwise. But it will not be the same without its founder and guiding light. Thousands of New York's young people should mourn his passing with us. For many he turned their lives around. For others he simply kept them alive.

Mr. President, I ask that the obituary from the New York Times be included in the RECORD.

THE REVEREND J.R. HARVEY DIES AT 47; HELPED FIND JOBS FOR EX-CONVICTS

(By Bruce Lambert)

The Reverend James R. Harvey, who founded a program that has given thousands of ex-convicts training and jobs in florist shops and other businesses, died on Monday at New York Hospital in Manhattan. He was 47 years old and lived in Queens.

He died of natural causes after a long illness, his family said.

Father Harvey was the president of Flowers With Care, which he founded 17 years ago to provide first-time offenders with work. The program started with florist shops, then included other businesses and longer-term training.

About 1,000 former inmates a year enroll in the program. Most become gainfully employed, and relatively few relapse into crime, officials of the program says. Depending on individual need, the assistance includes food, clothing, counseling, drug addiction therapy, on-the-job training, placement, remedial high school and even, college preparation.

PROGRAM IS BASED IN QUEENS

A favorite among Father Harvey's success stories involved a convicted bank embezzler who went on a florist-sales call, to a bank. Father Harvey got a bit edgy as the day wore on without any word from the apprentice salesman. But at the end of the afternoon, the bank president called in an order for 30,000 cactus plants to use as premiums.

The program, which includes more than 120 small businesses, is based in Astoria, Queens, and the program is affiliated with Catholic Charities of Brooklyn.

Father Harvey was born in Brooklyn. After graduating from St. Francis College and Immaculate Conception Seminary, he was ordained a Roman Catholic priest in 1971 and became a parish priest at St. Margaret's Church in Middle Village, Queens.

When he was assigned to be a chaplain at the city Corrections Department's Queens House of Detention in 1973 and later at Rikers Island, he saw the need for training and jobs to help turn unemployed young people away from crime. He started the program with a friend who was a florist.

For several years Father Harvey also taught criminal justice at St. John's University.

He is survived by his mother, Catherine Harvey of Brooklyn, and two sisters, Kathleen Scott of Brooklyn and Patricia Costello of Crofton, Md.

TRIBUTE TO JOSEPHINE TOMANCIK

Mr. LEVIN. Mr. President, very often we take time to recognize the big names of government service—the flashy politician, the statesman who served many years, the bureaucrat who has risen to the top—but seldom do we recognize the real people who keep the wheels of government turning. I wish to take a moment to recognize such an individual today, Josephine Tomancik.

Originally employed by the then Department of Vocational Education and Rehabilitation at the age of 18, Jo moved on to what would become the Michigan Department of Transportation in 1950. Never satisfied with a particular level of attainment, she continued taking classes to improve her skills. She will leave the department as the Roadside Development Division's secretarial administrative assistant.

Asked to describe Jo Tomancik, her supervisor said she is "dedicated to her work" and "loyal to her fellow employees." Her years of service have allowed her to serve as an unofficial historian. In addition, she is involved in her church and community. She is an officer in the First Catholic Slovak Ladies Association and an active member of St. Mary's Cathedral in Lansing.

When a friend asked why Ms. Tomancik continued so long she explained, "I really like the job, and I like the work. I am doing this for the women of transportation. When you set your goal, stick with it. And always remember the goal." Mr. President, more of us should set worthy goals and meet them.

Josephine, "Jo" Tomancik will retire at the end of this month after 50 years of consecutive service with the State of Michigan. Many of Jo's friends will gather this weekend to celebrate the work and life of this outstanding citizen. I am pleased to add this recollection to the remembrances.

TRIBUTE TO JOSEPH W. SOCHA

Mr. SPECTER. Mr. President, on Saturday, April 11, 1992, Joseph W. Socha will be honored by the American Legion at a testimonial dinner. At this time, I would like to recognize this proud American for his accomplishments, his loyalty to his fellow Legionnaires and his dedication to this country's principles of democracy, freedom, and dedication to duty.

Upon graduation from high school in 1951, Joe enlisted in the U.S. Marine Corps and served in Korea. Following his discharge, he joined the Boleslaw Grochowski Post No. 396 where he served as the post's director, delegate and its youngest elected adjutant. He was later elected as post commander.

Joe also served on numerous county committees such as the advisory committee and the Scouting committee and still serves as Philadelphia County adjutant. In addition, he has successfully fulfilled his responsibilities as Secretary of the Philadelphia Convention Corp.

Among his many other positions of responsibilities, Joe has served the

fifth district of the American Legion with distinction as its sergeant-at-arms, parliamentarian, senior deputy commander, and commander.

His talents and professionalism have been recognized by the national organization of the American Legion with assignments on the committees for Americanism, national security, foreign relations, and distinguished guests.

Joe has served his own post with dedication and loyalty for 25 years. He is also a member of the Veterans of Foreign Wars and the Disabled American Veterans. Currently, he is serving as commander of the Eastern Judicial Section where his leadership skills and yeoman performance are widely recognized by the Department of Pennsylvania and the National Organization of the American Legion.

The American Legion and the State of Pennsylvania are proud of Joe Socha. Upon the occasion of the testimonial dinner in his honor, I take this opportunity to recognize him before the U.S. Senate.

IN RECOGNITION OF LOUISE ENDEL

Mr. DODD. Mr. President, I rise today to recognize Louise Endel for her lifetime commitment to the betterment of the New Haven community. For the past 40 years New Haven has had the opportunity to benefit from the achievements of a woman who has dedicated her life to community service.

Louise's extraordinary energy and versatility is a driving force behind a number of nonprofit organizations. She is an active participant in the St. Raphael's Foundation, the Urban League of Greater New Haven, and Dixwell Community House.

Her deep appreciation and love for the arts led her to spearhead a number of different projects designed to cultivate the talents of artists and actors. Her accomplishments include the Long Wharf Theater, the Creative Arts Workshop, the Nine Squares Neighborhood Youth Leagues, and the City Spirits Artists.

In the political arena, her vision and dynamic personality have deeply contributed to local, State, and national campaigns. She is well-known for her ability to utilize people's skills and maximize their potential.

Louise's hard work for the community has not gone unnoticed. She is the recipient of the New Haven Foundation Elm Award for outstanding citizenship and the Yale University City of New Haven Elm Ivy Award for improving town/gown relationships. She also received awards from the YWCA and the State assembly in Hartford for her services on behalf of women.

This year, the Connecticut chapter of the Habitat for Humanity International will recognize Louise for her outstanding work on behalf of their organization. She was one of the founding participants of this organization that helps renovate and build homes for families of marginal financial means. I commend their efforts and am proud to see such a prestigious organization award a person who has done so much for the New Haven community.

Louise's distinguished career represents a model of effective leadership and exemplary community service. We can all learn a lesson in giving from her. She is living proof that a little hard work and a lot of love can still make a difference in this world. There is no doubt in my mind that New Haven and the entire State of Connecticut, for that matter, is a better place to live today. Thank you, Louise.

ON THE RETIREMENT OF KENT CONRAD, SENATOR FROM NORTH DAKOTA

Mr. HATFIELD. Mr. President, I would like to take this opportunity to comment on the surprise retirement of a good friend and distinguished colleague, Senator KENT CONRAD.

Both North Dakota and my State, Oregon, share several similarities, and it is through common interests that I have come to know Senator CONRAD and admire his work. As a representative of the most rural State in our Nation, the Senator's efforts to preserve the family farm and advance our Nation's agricultural interests are unrivaled.

His strong support for our children's education is another interest we share. His concern, especially in the areas of mathematics and science achievement, stands as a testament to his commitment for the future of our Nation.

Senator CONRAD and I also share common ground through our work on the Senate Energy and Natural Resources Committee. His thoughtful approach on numerous issues, particularly toward the development of a balanced national energy strategy, has been both admirable and refreshing. Senator CONRAD's fiscal restraint and progressive ideas regarding energy conservation and renewable energy are trademarks which will live on in the committee for years to come. Most regrettably, the battle on these and other issues must now be fought without one of our strongest players.

For many years Senator CONRAD's retirement comes as a tremendous disappointment: North Dakota will lose an excellent representative while Congress will lose a fine leader. He is a public servant in the truest sense, his actions constantly dictated by the needs of, and his promises to, his constituency. At the same time, however, I empathize with Senator CONRAD's frustration over Congress' seeming inability to grapple with the pressing issues of our day. I sincerely hope, Mr. President, that we can take steps toward improving the environment which exists here, for we can ill afford to lose another colleague of Senator CONRAD's caliber.

MATINICUS RESCUE A MIX OF GRIT AND GOOD LUCK

Mr. COHEN. Mr. President, recently Ms. Elsbeth Russell, who lives on Matinicus Island in my home State of Maine, brought to my attention the harrowing tale of four island lobstermen, who became heroes one freezing, tempestuous night in January.

Ms. Russell's courageous neighbors, Vance Bunker, Rick Kohls, Paul Murray, and Clayton Philbrook, responded to the distress call of a tugboat sinking in the dark, choppy waters nearly 2 miles off Matinicus.

As the winds gusted to 40 miles per hour and the temperature dropped to 4 below zero, Bunker, Kohls and Murray set off into the foggy night on Bunker's boat to rescue the tugboat and its imperiled three-man crew. Philbrook stayed behind to man the VHF radio and stand by in case Bunker's boat ran into trouble.

The story that ensues rivals any found in fiction. Recognizing that the Coast Guard might not reach the tugboat in time, the men from Matinicus risked their lives to save three strangers, who surely would have perished in the icy Atlantic.

Mr. President, I wish to enter into the RECORD the full text of the Island News article describing the tugboat's rescue.

Vance Bunker, Rick Kohls, Paul Murray, and Clayton Philbrook represent true Maine grit and the courage of the American spirit in its finest hour. Mr. President, I hope that you and my colleagues will find this remarkable account of their daring rescue as fascinating and inspiring as I did and will join me in commending these four Mainers for their heroism.

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

MATINICUS SEA RESCUE A MIX OF GRIT AND GOOD LUCK

(By Margot Brown McWilliams)

On Matinicus, the first warning came at 6 p.m. on January 16. Clayton Philbrook heard on the VHF radio that the tugboat *Harkness* had taken on about a foot and a half of water over its stern.

Philbrook, one of the handful of lobstermen who lives year-round on the island of Matinicus, knew a rough night lay ahead.

"It was blowing 40 (mph), and I had three or four below (zero) at the house, so I knew it was thick with vapor out on the water," said Philbrook. "The Rockland Coast Guard station was reporting winds at 10 miles an hour, but out here it was screeching."

Three island lobstermen would venture into the cold, wind and sea smoke that

night. Before it was over, they would help drag the crew of the *Harkness* out of the freezing ocean.

Matinicus is a tiny island—a mile long and half a mile wide—and at 20 miles out to sea, it's isolated. It's the outermost inhabited island on the eastern seaboard.

At the first signs of trouble, the three-man crew aboard the *Harkness* radioed Coast Guard authorities at Southwest Harbor that they would head for Frenchboro on Long Island.

At that point, a local skipper got on the radio and told the *Harkness* to turn and run for Matinicus instead. There would be a better chance of getting help there.

"The skipper of the *Harkness* didn't know anyone lived out here," Philbrook said, slightly surprised.

Vance Bunker had also picked up the communications between the *Harkness* and the mainland. He radioed the distressed boat to see what kind of trouble it was in.

By this time, Philbrook said, the *Harkness* reported that it had two feet of water over the stern. Vance Bunker radioed back that he was on his way in his boat, the *Janellen*.

Philbrook called Bunker on the phone and offered to go along. But Bunker had already rounded up Rick Kohls, another lobsterman, and Paul Murray, who tends to everything that runs on island—boat engines, furnaces, water systems, and the telephone lines.

Murray, he figured, would come in handy if anything went wrong with the *Janellen*.

Philbrook's task was to remain on land manning the radios and standing by in case Bunker got into trouble and someone with a boat was needed to come after him.

"There weren't very many of us left on the island," Philbrook said, "and it was quite a wild night, weather-wise." There had to be someone manning the home base.

When Bunker steered into the night, he didn't know exactly where the *Harkness* was.

"He started out thinking they were off Northeast Point, off the (north) of the island instead of where they actually were, which was off Zephyr Ledge, further to the northeast," Philbrook said.

"Vance had Paul and me watching the Loran and telling him which way to steer," Kohls said, "and Paul was writing down the numbers as the *Harkness* was giving them on the radio." Bunker had to be content with watching the compass and keeping on course.

The *Harkness* was fighting for its life.

The tugboat's captain, Rudi Musetti, had only suspicions about what made the *Harkness* start to take on water. Possibly it was the rudder ports, he thought, or maybe the stuffing box.

Since leaving Ogunquit for a 20-hour trip to Northeast Harbor, Musetti had routinely checked everything on the boat every two hours. "The water started coming aboard just half an hour after my last check," he recalled later. "Everything had been riding high, as it should be. Then I looked back, and we were submerged.

Musetti threw the switches from the pumps, but could only trust that they were working, as the decks were too icy to walk on. "But every time I looked back," he continued, "we were going down, not up."

As the *Harkness* sank, Bunker developed a new worry. Radio communications had revealed that the *Harkness* had two 500-foot tow ropes that had been coiled on the stern, but they had been washed overboard as the boat took on water.

If the ropes got tangled in Bunker's propeller and the *Harkness* was sinking, it would have pulled Bunker's boat down with it. "And of course," Philbrook said "nobody could see a thing."

"Things were getting tense," Philbrook said. "We'd finally figured out where they were, and were on the way to those coordinates, and the guy was on the radio saying that he knew he was going to lose the boat, and that he and his crew were going to have to go into the water . . . Then the skipper said that the water was up to his chest in the wheelhouse."

It was 7:02, just over an hour since the tubgoat's first distress call. It was the last signal that would come from the *Harkness*.

"When we heard that silence," said Kohls, "I knew I was going to puke. It was a terrible, terrible feeling. Of course the battery might have gone dead, but we knew they were in the water."

As Bunker's boat approached the *Harkness'* location, a mile and half to two miles off Matinicus, the Coast Guard arrived on the scene.

The *Janellen* backed off, and went back to the last set of numbers the *Harkness* had given. "By then," Kohls said, "we knew there wasn't much of a chance them boys would still be alive. It was jeezly cold, and that sea smoke lay right over the water like a . . . blanket."

Kohls and Murray kept at it, looking over the sides of the *Janellen* down into the water. But the sea smoke was impenetrable, and they could see nothing.

For some reason, Kohls looked up instead of down. "I couldn't believe my eyes." he said. "I saw a light shining straight up into the sky above the sea smoke."

It wasn't much of a light, but its effect was huge. "It was like Charlie Brown's Christmas." Kohls said. "We knew at least one of them was out there." Kohls guided Bunker to the light.

The unlikely, if not the impossible, had happened. A wooden ladder had floated free of the *Harkness* as it went down, and all three men had grabbed onto it.

One of the three, Arthur Stevens, happened to be carrying a little three-cell battery flashlight that his daughter had given him for Christmas.

I don't think Arthur was even aware that he still had the flashlight," Musetti said, "because his hands were too cold to hold onto anything. What had happened was that the flashlight had frozen to Arthur's glove."

Then the three men in the water saw the *Janellen's* searchlight coming through the sea smoke.

"We couldn't see the boat itself," Musetti said, "and it was blowing too hard for us to hear its engine."

Still, it was a struggle for the angels to save the men.

"We held the gaff out to one of them," Kohls said, "he kind of hooked onto it with his arms, because he had lost the use of his hands. He looked up at us and said, 'Boy, are we glad to see you.'

"It seemed like a lifetime getting the first two aboard," Kohls said. "Paul and I were pulling on one of them." Bunker got the other aboard himself. "Vance is a big boy," Kohls said. "He is stronger. Also, fear motivates everybody."

The Coast Guard boat rescued the third man.

When the *Harkness'* crew was pulled from the water, the combination of wind and temperature created a wind-chill factor of 55 below zero. Murray and Kohls stripped off their clothes and gave them to the two men they had pulled onto the *Janellen*.

"You have never seen such cold human beings," Kohls said. "They couldn't walk, they couldn't move, except to vibrate like they were coming apart at the seams. We took them down below and had to cut the clothes off them." Luckily, Bunker kept a stove going down below.

Musetti said that neither he nor his two crew members gave in to panic, though when they finally abandoned ship he was certain that rescuers would not be able to find them in time.

"You can't survive more than a few minutes in that water," he said, "and we were already right on the verge of hypothermia. We talked to each other as we went into the water.

"I didn't feel fear, particularly. Maybe because there was no point in it. I thought about my four daughters and my grandchildren. And my parents. All I could think about was that I wouldn't see them again. It made me sad."

All six men involved—the three in the water and the three aboard the *Janellen*—figures something beyond just themselves was involved.

Kohls calls it luck.

"Everything happened just right. One man's daughter just happened to give him a flashlight for Christmas instead of anything else you could think of.

". . . A wooden ladder just happened to float right up to those men.

"And that flashlight just happened to freeze itself to his glove when he couldn't hold on to anything anymore.

But what's most miraculous is the direction that little flashlight was pointing in. What are the chances that the beam of a flashlight that's frozen onto the glove of a drowning man would point straight up into sky? By all logic it should have been submerged."

But it wasn't. And the beam did point straight up. And Kohls did just happen to lift his head up from his sightless staring into the sea smoke in time to see it. And he just happened to be on the right side of the boat.

"I don't want to go out on any more rescue missions this year," Kohls said, "because whatever there was in the luck bank, we used it all up this time."

(Reprinted from the Maine Sunday Telegram, Sunday, January 26, 1992.)

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,889,166,997,037.83, as of the close of business on Friday, April 3, 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 $785 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?

THE RETIREMENT OF SENATOR CONRAD

Mr. BENTSEN. Mr. President, I had just finished speaking last Thursday when our distinguished colleague from North Dakota, Senator KENT CONRAD, took the floor to inform the Senate of his decision not to seek reelection.

I was surprised and disappointed that he would voluntarily cut short a promising career of public service. But I respect his decision, and appreciate the factors that contributed to it.

Senator CONRAD is one of the work horses of this body, willing to master the details of issues, and always prepared to defend the interests of the people of North Dakota.

In nearly two decades of public service, he has specialized on tax and budget matters. His experience in State government gave him the experience and the reputation of being a good manager of public funds. He ran for the Senate pledging not to run again if the budget deficit had not been significantly reduced. During his nearly 6 years in the Senate, his devotion to the cause of deficit reduction has been clear and unwavering.

Senator CONRAD did not create the huge deficits of the 1980's, and he certainly worked as hard as any of us to impose controls and cutbacks in recent years.

But we have not reached that goal of eliminating the deficit. Our progress has been fitful and limited. The President's own forecasts of huge deficits as far as the eye can see suggest that the problem is slipping away from our grasp.

The blame should not rest on KENT CONRAD'S shoulders. In fact, I think we have fallen short largely because of the absence of Presidential leadership.

But Senator CONRAD had made a special commitment regarding the deficit, and he felt honor bound not to seek reelection. I know that concept is somewhat old fashioned these days, but it's one that should be prized even if it were not so rare. My own father, who moved to Texas from the Dakotas, instilled in me a profound sense of honor and other values.

We don't have to live in the corridors of power, but we do have to live with ourselves. Senator CONRAD set an example of someone who put his conscience first.

For his integrity, for his fine record as a Senator, for the example he has set, he deserves our administration and respect.

RECOGNITION OF FORMER YUGOSLAVIA REPUBLICS MUST INCLUDE KOSOVA

Mr. PRESSLER. Like the dinosaur and the Soviet Union, Yugoslavia no longer exists. Today, President Bush adjusted U.S. policy to correspond to this reality. I commend the President for his decision to recognize Croatia, Slovenia, and Bosnia-Hercegovina. Recognition sends a signal to Belgrade that the United States will no longer allow that regime to strong arm its neighbors.

However, I also want to stress the urgency of the need to extend the recognition process to Albania populated Kosova. In addition, the Albanians of the former Yogoslavia must be given a seat at the peace table in Brussels.

Having lost control of Croatia and Slovenia, Belgrade may increase its already crushing pressures on Kosova. Like a number of others in Congress, I strongly support recognition of Kosova. For this reason, in February I introduced Senate Concurrent Resolution 96, expressing the sense of Congress that the United States should recognize the independence of the Republic of Kosova.

The Albanians represent the third largest ethnic group in the former Yugoslavia. Yet they have been excluded from the peace talks in Brussels. If a true and lasting peace is to be achieved in the countries emerging from the former Yugoslavia, several things must occur.

First, Yugoslavians of Albanian descent must be given a place at the peace talks. Second, martial law must be lifted in the Republic of Kosova. Third, Kosova must be recognized as an independent state. Finally, free elections, conducted under international supervision, must be allowed to occur in Kosova.

The United States should not tolerate further bloodshed in the former Yugoslavia. That is why I recently introduced the Former Yugoslavia Act of 1992, which, among other things, calls upon the President to tell Congress what he will do to recognize those regions and republics within what was Yugoslavia that desire independence. The legislation also requires the President to tell Congress what he will do to end Belgrade's military aggression of occupation in the former Yugoslavia and to bring violators to justice. I am delighted that, to date, Senators DOLE, D'AMATO, and HELMS have joined me in this effort.

Artificial countries like the former Yugoslavia should not be preserved against the will of the people. Standing for the principles of freedom and independence, the United States can assist the people of the former Yugoslavia to enjoy independence and peace.

I hope the President's announcement of recognition will begin that process. I commend him for his action. However, I believe he should continue the process. It is my hope that he will move rapidly to address the needs of the Albanians of Kosova in the manner I have outlined.

WAIVER OF CERTAIN SECTIONS OF THE TRADE ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 193

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 3, 1992, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to subsection 402(c)(2)(A) of the Trade Act of 1974 (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Armenia, Belarus, Kyrgyzstan, and Russia will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Armenia, Belarus, Kyrgyzstan, and Russia required by subsection 402(c)(2)(B) of the Act. This letter constitutes the report to the Congress required by subsection 402(c)(2).

Pursuant to subsection 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Armenia, Belarus, Kyrgyzstan, and Russia.

GEORGE BUSH.

THE WHITE HOUSE, *April 3, 1992.*

FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 194

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 3, 1992, during the recess of the Senate, received 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 a legislative proposal entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" (the FREEDOM Support Act of 1992). Also transmitted is a section-by-section analysis of the proposed legislation.

I am sending this proposal to the Congress now for one urgent reason: With the collapse of the Soviet Union, we face an unprecedented historical opportunity to help freedom flourish in the new, independent states that have replaced the old Soviet Union. The success of democracy and open markets in these states is one of our highest for-

eign policy priorities. It can help ensure *our* security for years to come. And the growth of political and economic freedom in these states can also provide markets for our investors and businesses and great opportunities for friendship between our peoples.

While this is an election year, this is an issue that transcends any election. I have consulted with the congressional leadership and have heard the expressions of support from both sides of the aisle for active American leadership. I urge all Members of Congress to set aside partisan and parochial interests.

Just as Democrats and Republicans united together for over 40 years to advance the cause of freedom during the Cold War, now we need to unite together to win the peace, a democratic peace built on the solid foundations of political and economic freedom in Russia and the other independent states.

This proposal gives me the tools I need to work with the international community to help secure the post-Cold War peace. It provides a flexible framework to cope with the fast-changing and unpredictable events transforming Russia, Ukraine, Armenia, and the other states. This proposal will allow us to:

—Mobilize fully the executive branch, the Congress, and the private sector to support democracy and free markets in Russia and the other independent states of the former Soviet Union;

—Address comprehensively the military, political, and economic opportunities created by the collapse of the Soviet Union, targeting our efforts and sharing responsibilities with others in the international community; and

—Remove decisively the Cold War legislative restrictions that hamstring the Government in providing assistance and impede American companies and businesses from competing fairly in developing trade and investment with the new independent states.

Passage of this proposal will enable the United States to maintain its leadership role as we seek to integrate Russia and the other new independent states into the democratic family of nations. Without the tools this proposal provides, our policy of collective engagement will be constrained, our leadership jeopardized.

This proposal has 10 key elements:

First, this proposal provides the necessary flexibility for the United States to extend emergency humanitarian assistance to Russia and the other new independent states.

Emergency humanitarian assistance will help the peoples of the former Soviet Union to avoid disaster and to reduce the danger of a grave humanitarian emergency next winter. In this endeavor, the United States will not go it alone but will continue to work closely with the international community, a process we initiated at the Washington Coordinating Conference in January and will continue in the months ahead in regular conferences with our allies. By dividing our labors and sharing our responsibilities, we will maximize the effects of our efforts and minimize the costs.

Second, this proposal will make it easier for us to work with the Russians and others in dealing with issues of nuclear power safety and demilitarization. This proposal broadens the authority for Department of Defense moneys appropriated last fall for weapons destruction and humanitarian transportation to make these funds, as well as foreign military financing funds, available for nonproliferation efforts, nuclear power safety, and demilitarization and defense conversion.

Third, technical assistance can help the Russians and others to help themselves as they build free markets. Seventy years of totalitarianism and command economics prevented the knowledge of free markets from taking a firm hold in the lands of Russia and Eurasia. By providing know-how, we can help the peoples and governments of the new independent states to build their own free market systems open to our trade and investment. It will also allow agencies authorized to conduct activities in Eastern Europe under the "Support for East European Democracy (SEED) Act of 1989" to conduct comparable but separate activities in the independent states of the former Soviet Union. Through organizations such as a Eurasia Foundation, we will be able to support a wide range of technical assistance efforts.

Fourth, this proposal will allow us to significantly expand our technical assistance programs that facilitate democratization in the new states, including our expanding rule of law program. It will authorize support for programs such as "American Houses." It also provides support for expanded military-to-military programs with Russia and the other new independent states to cultivate a proper role for the military in a democratic society.

Fifth, this proposal provides a clear expression of bipartisan support to continue to extend Commodity Credit Corporation credit guarantees to Russia and the other new independent states in light of the progress they are making toward free markets. As they overcome their financial difficulties, we should take into account their commitment to economic freedom in providing credit guarantees that will help feed their people while helping American farmers.

Sixth, for American business, this proposal expands authority for credit and investment guarantee programs such as those conducted by the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank. It will allow us to waive statutory ceilings on credit guarantee programs of the Export-Import Bank Act and other agencies that applied to the Soviet Union and the restrictions of the Johnson Debt Default Act on private lending. In this way, it will expand U.S. exports to and investment in Russia and the other new independent states.

Seventh, this bill will facilitate the development of the private sector in the former Soviet Union. This bill removes Cold War impediments while promoting outside investment and enhanced trade. It will also allow waiver of restrictions on imports from the independent states of the former Soviet Union beyond those applied to other friendly countries. It will support efforts to further ease Coordinating Committee (COCOM) restrictions on high technology. The bill will also allow the establishment of Enterprise Funds and a capital increase for the International Financial Corporation.

Eighth, this proposal will allow the United States to work multilaterally with other nations and the international financial institutions toward macroeconomic stabilization. At the end of World War II, the United States stood alone in helping the nations of Western Europe recover from the devastation of the war. Now, after the Cold War, we have the institutions in place—the International Monetary Fund (IMF) and the World Bank—that can play a leading role in supporting economic reform in Russia and Eurasia.

Therefore, this proposal endorses an increase in the IMF quota for the United States. This will help position the IMF to support fully a program of macroeconomic stabilization. I request the Congress to pass both the authorization and appropriations necessary for this purpose.

Ninth, this proposal endorses a significant U.S. contribution to a multilateral currency stabilization fund. Working with the international financial institutions and the other members of the G–7, we are putting together a stabilization fund that will support economic reform in Russia and the other independent states.

Tenth, this proposal provides for an expanded American presence in Russia and the other new independent states, facilitating both government-to-government relations and opportunities for American business. Through organizations such as the Peace Corps and the Citizens Democracy Corps, we will be able to put a large number of American advisors on the ground in the former Soviet Union.

In sending this authorization legislation to the Congress, I also request concurrent action to provide the appropriations necessary to make these authorizations a reality. In order to support fully multilateral efforts at macroeconomic stabilization, I urge the Congress to move quickly to fulfill the commitment of the United States to

the IMF quota increase. And I urge prompt enactment of the appropriations requests for the former Soviet Union contained in the Fiscal Years 1992 and 1993 Budget requests presently before the Congress.

I call upon the Congress to show the American people that in our democratic system, both parties can set aside their political differences to meet this historic challenge and to join together to do what is right.

On this occasion, there should be only one interest that drives us forward: America's national interest.

GEORGE BUSH.

THE WHITE HOUSE, *April 3, 1992.*

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.)

NOTIFICATION OF CEASE FIRE BETWEEN THE GOVERNMENT OF EL SALVADOR AND THE FARABUNDO MARTI LIBERATION FRONT—PM 195

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations:

To the Congress of the United States:

Section 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), provides that amounts in the Demobilization and Transition Fund established for peacekeeping purposes by that Act shall be made available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the Farabundo Marti Liberation Front (FMLN) have reached a permanent settlement of the conflict, including a final agreement on a ceasefire. On January 16, 1992, the Government of El Salvador and the FMLN signed such an agreement, bringing an end to the civil conflict.

Consistent with section 531, I hereby provide notification that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a ceasefire.

This notification allows the amounts in the Demobilization and Transition Fund (Fund) to be made available for obligation and expenditure. The Secretary of State will have responsibility for administering the Fund.

It is extremely important for the United States to support the implementation of this historic peace agreement, and I look forward to your continued cooperation toward achieving our mutual objectives in this endeavor.

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

RELEASE OF PANAMANIAN ASSETS—MESSAGE FROM THE PRESIDENT—PM 196

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on October 3, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $134 million of the approximately $137.3 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately $6.1 million remaining blocked at this time (which includes approximately $2.8 million in interest credited to the accounts since my last report), some $5.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

REPORT ON SANCTIONS AGAINST HAITI—MESSAGE FROM THE PRESIDENT—PM 197

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. On October 4, 1991, in Executive Order No. 12775, I declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 FR 50641). In that order, I ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. I also prohibited any direct or indirect payments or transfers to the *de facto* regime in Haiti of funds or other financial or investment assets or credits by any U.S. person or any entity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, I issued Executive Order No. 12779 adding trade sanctions against Haiti to the sanctions imposed on October 4 (56 FR 55975). Under this order, I prohibited exportation from the United States of goods, technology, and services, and importation into the United States of Haitian-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempts trade in publications and other informational materials from the import, export, and payment prohibitions and permits the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and

cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States.

2. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*), the National Emergencies Act (50 U.S.C. 1601, *et seq.*), and section 301 of title 3 of the United States Code. I reported the emergency declaration to the Congress on October 4, 1991, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in my order of October 28 were imposed pursuant to the authority vested in me by the Constitution and laws of the United States, including the statutes cited above, and implement in the United States Resolution MRE/RES. 2/91, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States ("OAS") on October 8, 1991, which called on Member States to impose a trade embargo on Haiti and to freeze Government of Haiti assets. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and discusses Administration actions and expenses directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Order No. 12779.

3. On March 31, 1992, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), after consultation with other Federal agencies, issued the Haitian Transactions Regulations, 31 C.F.R. Part 580 (57 FR 10820, March 31, 1992), to implement the prohibitions set forth in Executive Orders Nos. 12775 and 12779.

Prior to the issuance of the final regulations, FAC issued a number of general licenses to address urgent situations requiring an interpretation of U.S. sanctions policy in advance of the final regulations. These general licenses provided agency policy regarding the articles (baggage, personal effects, etc.) that could be exported or imported by travellers to and from Haiti; the treatment of amounts owed to the *de facto* regime by U.S. persons for certain telecommunications services; the movement of diplomatic pouches; the obligation of banks and other financial institutions with respect to Government of Haiti funds in their possession or control; authorization of commercial shipments to Haiti of medicines and medical supplies; and the circumstances under which certain exportations to, or importations from, the "assembly sector" in Haiti would be permitted. These general licenses have been incorporated into the Haitian Transactions Regulations.

4. The ouster of Jean-Bertrand Aristide, the democratically elected President of Haiti, in an illegal coup by elements of the Haitian military on September 30, 1991, was immediately repudiated and vigorously condemned by the OAS. The convening on September 30 of an emergency meeting of the OAS Permanent Council to address this crisis reflected an important first use of a mechanism approved at the 1991 OAS General Assembly in Santiago, Chile, requiring the OAS to respond to a sudden or irregular interruption of the functioning of a democratic government anywhere in the Western Hemisphere. As an OAS Member State, the United States has participated actively in OAS diplomatic efforts to restore democracy in Haiti and has supported fully the OAS resolutions adopted in response to the crisis, including Resolution MRE/RES. 2/91.

5. In these initial months of the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on U.S. firms having established relationships with Haiti's "assembly sector," and to ensure the availability of necessary medicines and medical supplies and the undisrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses have been issued (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti, (2) permitting U.S. firms wishing to terminate assembly operations in Haiti to return equipment, machinery, and parts and materials inventories to the United States and, beginning February 5, 1992, permitting firms wishing to resume assembly operations in Haiti to do so provided the prohibition on payments to the *de facto* regime is complied with, and (3) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti.

6. Since the issuance of Executive Order No. 12779, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of Haiti has an interest) are identified and interdicted and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions will be taken.

7. The expenses incurred by the Federal Government in the 6-month period from October 4, 1991, through April 3, 1992, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at $323,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the Department of Commerce, and the Federal Reserve Bank of New York.

8. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti. I shall continue to exercise the powers at my disposal to apply economic sanctions against Haiti as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *April 7, 1992.*

MESSAGES FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the joint resolution (S.J. Res. 271) expressing the sense of the Congress regarding the peace process in Liberia and authorizing limited assistance to support the process; without amendment.

The message also announced that the House has passed the bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

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-2912. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2913. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize appropriations for the planning, construction, acquisition, alteration, repair of facilities, and

other public improvements of Agricultural Research Service facilities at Beltsville, Maryland; Peoria, Illinois; Albany, California; and Greenport, New York; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2914. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, certifications relative to the Board for International Broadcasting; to the Committee on Appropriations.

EC-2915. A communication from the Director of the Office of Procurement, Assistance, and Program Management, Department of Energy, transmitting, pursuant to law, a report on an acquisition action at the Rocky Flats Nuclear Plant; to the Committee on Armed Services.

EC-2916. A communication from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; to the Committee on Armed Services.

EC-2917. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report stating that the program acquisition unit cost of a major defense acquisition has increased by more than 15 percent; to the Committee on Armed Services.

EC-2918. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter October 1 through December 31, 1991; to the Committee on Armed Services.

EC-2919. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, selected acquisition reports for the quarter ended December 31, 1991; to the Committee on Armed Services.

EC-2920. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report of the Council for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-2921. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1992 annual reports on the community development programs administered by the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-2922. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the Administration for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-2923. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Housing, and Urban Affairs.

EC-2924. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2925. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension of time for a decision in Docket No. 40365, National Starch and Chemical Corporation v. The Atchison, Topeka, and Santa Fe Railway Company, et al.; to the Committee on Commerce, Science, and Transportation.

EC-2926. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report regarding the Saltonstall-Kennedy Grant program for fiscal years 1987-90; to the Committee on Commerce, Science, and Transportation.

EC-2927. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Electric and Hybrid Vehicle Program for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC-2928. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on progress on developing and certifying the traffic alert and collision avoidance system; to the Committee on Commerce, Science, and Transportation.

EC-2929. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on railroad financial assistance for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC-2930. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the updated Aviation System Capital Investment Plan; to the Committee on Commerce, Science, and Transportation.

EC-2931. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on certain contractual actions involving actual or potential cost in excess of $50,000; to the Committee on Commerce, Science, and Transportation.

EC-2932. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Bonneville Power Administration for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-2933. A communication from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in authorization ceilings for land acquisition and development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2934. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2935. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2936. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2937. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth Conservation Corps Program for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-2938. A communication from the Assistant Administrator of the Environmental Protection Agency (Enforcement), transmitting, pursuant to law, a report on Clean Water Act Enforcement Mechanisms; to the Committee on Environment and Public Works.

EC-2939. A communication from the Deputy Assistant Administrator of the Environmental Protection Agency (Enforcement), transmitting, pursuant to law, a discussion paper entitled "Analysis of Possible Revisions to the Clean Water Act"; to the Committee on Environment and Public Works.

EC-2940. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of certain proposed prospectuses; to the Committee on Environment and Public Works.

EC-2941. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, a report on actions being taken to improve labor-management relations at the Tennessee Valley Authority; to the Committee on Environment and Public Works.

EC-2942. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to provide for the appropriation of funds from the Harbor Maintenance Trust Fund to the Department of the Army for payment of administrative expenses incurred in administering the port use fee and to clarify funding from the Inland Waterways Trust Fund for rehabilitation costs of existing and future projects for navigation on the inland and coastal waterways of the United States, and for other purposes; to the Committee on Finance.

EC-2943. A communication from the Deputy Director of the United States Information Agency, transmitting, pursuant to law, a report on action under the Convention on Cultural Property Implementation Act concerning an extension of an emergency United States import ban on pre-Hispanic archaeological material originating in the Cara Sucia Archaeological Region of El Salvador; to the Committee on Finance.

EC-2944. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a recommendation for a national per resident amount for Medicare direct graduate medical education payments; to the Committee on Finance.

EC-2945. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to March 26, 1992; to the Committee on Foreign Relations.

EC-2946. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Farm Credit Administration under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-2947. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the biennial report of the Office for the period January 1990 through December 1991; to the Committee on Governmental Affairs.

EC-2948. A communication from the Director of the Information Security Oversight

Office, transmitting, pursuant to law, the annual report of the Office for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2949. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the opinion and recommended decision relative to the establishment of rate categories and discounts for pre-barcoded flat-shaped mail; to the Committee on Governmental Affairs.

EC-2950. A communication from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

EC-2951. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the Attorney General for fiscal year 1991; to the Committee on the Judiciary.

EC-2952. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2953. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2954. A communication from the Director of Administration and Human Resource Management, Department of Energy, transmitting, pursuant to law, the annual report of the Department of Energy under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2955. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, for the information of the Senate, comments on a proposed amendment to the National Institutes of Health Reauthorization Act; to the Committee on Labor and Human Resources.

EC-2956. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final procedures for the Robert C. Byrd Honors Scholarship Program; to the Committee on Labor and Human Resources.

EC-2957. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Department of Veterans Affairs under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2958. A communication from the President of the United States Institute of Peace, transmitting, pursuant to law, the audit report of the Institute for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-2959. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1992 Report of the Surgeon General on the health consequences of smoking; to the Committee on Labor and Human Resources.

EC-2960. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the recommendations of the Intergovernmental Advisory Council on Education; to the Committee on Labor and Human Resources.

EC-2961. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the activities and accomplishments of the State programs operated under the authority of the Developmental Disabilities Assistance and Bill of Rights Act for fiscal year 1990; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-321. A joint resolution adopted by the Legislature of the State of Washington to the Committee on Energy and Natural Resources.

"SUBSTITUTES HOUSE JOINT MEMORIAL 4033

"Whereas, for fifty years, labor unions have advocated forestry methods that incorporate environmental values in the form of sustained-use and multiple-use forestry and setting aside timber land in wilderness areas and parks, so that forests can be vital elements in the everyday lives of communities; and

"Whereas, in the Pacific Northwest, timber is a primary industry, and hundreds of communities are timber-dependent; and

"Whereas, in the Pacific Northwest, workers directly employed by timber companies are woodworkers and truckers, workers in sawmills and plywood mills, and workers in pulp and paper mills; and

"Whereas, in the Pacific Northwest, the timber industry supports secondary employment in the service and public sectors, employees whose jobs depend on timber sales; and

"Whereas, workers in other parts of the country depend on the raw materials from the Pacific Northwest; workers in furniture, paper, and building materials manufacturing, as well as the building trades; and

"Whereas, Pacific Northwest timber makes up more than thirty percent of all the timber used in the United States; and

"Whereas, job losses would erode the tax bases of hundreds of Pacific Northwest communities, jeopardizing public and service sector employment and the delivery of vital social services; and

"Whereas, the issue of timber harvesting and protection of species habitat is much broader than the spotted owl and the Pacific Northwest; and

"Whereas, the timber industry is a fifty-seven billion dollar industry, employing six hundred twenty-seven thousand workers in every region of the United States and providing seventy percent of the United States' building construction materials; and

"Whereas, a failure to find a solution to the issues of the spotted owl and old growth forests of the Pacific Northwest leaves larger issues unaddressed and the door open for continued controversy and economic disruption in nearly every part of the country; and

"Whereas, halting timber harvest in order to protect the owl, the federal government may lose two hundred twenty-nine million dollars a year in timber sales receipts; and

"Whereas, the issue is not whether species like the spotted owl deserve protection but rather to find solutions that protect species and protect jobs and communities; and

"Whereas, a long-term solution requires a balance between environmental needs and the economic well-being of working families and communities across the country; and

"Whereas, labor unions representing Northwest timber workers have joined with the timber industry to offer a balanced, comprehensive, and fair approach to the forest management crisis in the Northwest, under the title Forests and Families Protection Act, H.R. 2463; and

"Whereas, the Forest and Families Protection Act is the only proposal that deals with all of the components of the present problem: (1) Old-growth reserves; (2) spotted owl protection; (3) timber program stability; and (4) worker assistance and economic adjustment measures;

"Now, therefore, your Memorialists respectfully pray that Congress and the President of the United States enact the Forests and Families Protection Act, H.R. 2463:

Be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-322. A resolution adopted by the Senate of the State of Michigan to the Select Committee on Indian Affairs.

"SENATE RESOLUTION NO. 383

"Whereas, The Odawa Indians have played an important role in the heritage and the history of our present state of Michigan. Long before the arrival of European explorers, the formation of the Northwest Territories, and the creation of Michigan as a state, the Odawa Indians made the northern Great Lakes region their home; and

"Whereas, Today, seven major groups of Native Americans in Michigan are federally recognized tribes. Federal recognition gives tribes access to critical funding for programs leading to self-sufficiency through economic development and growth; and

"Whereas, The Little Traverse Bay Bands of Odawa Indians is one of our state's six non-federally recognized state historic tribes. The tribe, however, is directly descended from those who lived here at the time of the signing of the 1836 Treaty of Washington and the 1855 Treaty of Detroit, which deeded large amounts of land to the federal government. These treaties established a government-to-government relationship that the tribe, justly, feels still continue today; and

"Whereas, It is most fitting and appropriate that the Little Traverse Bay Bands of Odawa Indians receives federal recognition. The tribe's proud heritage and long documented history clearly call for federal recognition: Now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby recognize the Little Traverse Bay Bands of Odawa Indians as a Michigan historic Indian tribe, and strongly support its efforts to obtain federal reaffirmation; and be it further

"*Resolved*, That copies of this document be transmitted to the Little Traverse Bay Bands of Odawa Indians, representatives of the Bureau of Indian Affairs, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-323. A petition of a citizen of Claremont, California praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of April 2, 1992, the following reports of committees were submitted on April 3, 1992:

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. Con. Res. 107. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

software copyright (Rept. No. 102-268).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Vice Adm. William O. Studeman, U.S. Navy, to be Deputy Director of Central Intelligence, and to have the rank of admiral while so serving (Exec. Rept. No. 102-24).

John E. Connolly, of California, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1997; and

William D. Skelton, of Georgia, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1997.

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) William J Flanagan, Jr., 034-30-3013, U.S. Navy.

The following-named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Gen. John M. Loh, 577-50-2768, U.S. Air Force.

The following-named officer for appointment in the U.S. Army, without specification of branch component, and in the Regular Army of the United States to the grade indicated in accordance with article II, section 2, clause 2 of the Constitution of the United States. This appointment is vice existing appointment as a brigadier general of the Army Nurse Corps.

To be permanent brigadier general

Brig. Gen. Clara L. Adams-Ender, 243-58-3140, U.S. Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

*In the Air Force there is 1 appointment to the grade of brigadier general (Thomas L. Hemingway). (Reference No. 457-5.)

*In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Michael Adams). (Reference No. 589-1.)

*In the Navy there are 30 promotions to the grade of rear admiral (lower half) (list begins with Charles Stevenson Abbot). (Reference No. 827.)

*In the Air Force there are 23 appointments to the grade of major general (list begins with Jay D. Blume, Jr.). (Reference No. 889-1.)

**In the Air Force Reserve there is 1 appointment to the grade of lieutenant colonel (Susann J. Steinberg). (Reference No. 896.)

**In the Air Force there are 20 promotions to the grade of lieutenant colonel (list begins with James D. Barker). (Reference No. 897.)

**In the Army there are 23 promotions to the grade of lieutenant colonel (list begins with James A. Buckner). (Reference No. 898.)

**In the Air Force there are 1,558 promotions to the grade of lieutenant colonel (list begins with James A. Abbott). (Reference No. 899.)

**In the Air Force Reserve there are 11 appointments to the grade of colonel and below (list begins with Steven A. Task). (Reference No. 907.)

*Brig. Gen. William E. Jones, USAF to be major general. (Reference No. 919.)

**In the Air Force there are 6 promotions to the grade of colonel and below (list begins with Phyllis J. Hansen). (Reference No. 922.)

**In the Air Force there are 13 promotions to the grade of lieutenant colonel and below (list begins with Robert K. Butler, Jr.). (Reference No. 923.)

**In the Air Force there are 8 promotions to the grade of major (list begins with Stephen C. Carey). (Reference No. 924.)

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Robert G. Albrecht, Jr.). (Reference No. 925.)

**In the Army there are 5 promotions to the grade of lieutenant colonel and below (list begins with Ina J. Clawson). (Reference No. 926.)

**In the Army Reserve there are 23 promotions to the grade of colonel and below (list begins with Johnny D. Brown). (Reference No. 927.)

**In the Army there are 966 appointments to the grade of second lieutenant (list begins with David A. Abke). (Reference No. 928.)

*Lt. Gen. Leo W. Smith II, USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 936.)

*Lt. Gen. Jack D. Woodall, USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 939.)

*Maj. Gen. Jerome H. Granrud, USA to be lieutenant general. (Reference No. 940.)

**In the Air Force there are 727 promotions to the grade of colonel and below (list begins with Gary A. Anderson). (Reference No. 943.)

*In the Army Reserve there are 23 appointments to the grade of major general and below (list begins with William C. Cockerham). (Reference No. 952.)

**In the Air Force there are 49 appointments to the grade of captain (list begins with Timothy D. Ballard). (Reference No. 965.)

**In the Marine Corps there is one appointment to the grade of major (Bruce K. Bancroft). (Reference No. 966.)

Total: 3,514.

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. ROTH:

S. 2531. A bill to establish a Commission on project Government Reform; to the Committee on Governmental Affairs.

By Mr. PELL (for himself and Mr. HELMS) (by request):

S. 2532. A bill entitled "Freedom For Russia and Emerging Eurasian Democracies and Open Markets Support Act"; to the Committee on Foreign Relations.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. ADAMS, Mr. DIXON, Mr. DODD, Mr. MURKOWSKI, Mr. STEVENS, and Mr. SEYMOUR):

S. 2533. A bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2534. A bill to amend the Energy Policy and Conservation Act to require certain importers and refiners who are required by the Secretary of Energy to store and maintain petroleum products in the Industrial Petroleum Reserve to store and maintain petroleum products within an insular area at the request of the Governor of an insular area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2535. A bill to amend the National School Lunch Act to modify the minimum nutritional requirements for school lunches, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SEYMOUR:

S. 2536. A bill to amend the Public Health Service Act to establish a program of formula grants for compensating certain trauma care centers for reimbursed costs incurred with respect to undocumented aliens, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. WOFFORD, Mr. KERRY, Mr. ADAMS, Mr. GRAHAM, and Mr. MOYNIHAN):

S. 2537. A bill to support efforts to promote democracy in Peru; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KENNEDY, Mr. MITCHELL, Mr. COHEN, and Mr. KERRY):

S. 2538. A bill to establish a comprehensive program to ensure the safety of fish products

intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 2539. A bill to authorize the construction of the William B. Hoyt II Visitor Center at Mount Morris Dam in Mount Morris, New York; to the Committee on Environment and Public Works.

By Mr. COATS (for himself, Mr. COCHRAN, Mr. GORTON, Mr. LUGAR, and Mr. SMITH):

S. 2540. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses and other qualified expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

By Mr. BOREN:

S. 2541. A bill to provide for improvements in the delivery of and access to health care in rural areas; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2542. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figurines; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SASSER (for Mr. MITCHELL (for himself and Mr. DOLE)):

United States v. Slawomir Borowy; considered and agreed to.

By Mr. HELMS (for himself, Mr. MOYNIHAN, Mr. SIMON, and Mr. WOFFORD):

, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2531. A bill to establish a Commission on Project Government Reform; to the Committee on Governmental Affairs.

PROJECT GOVERNMENT REFORM: THE NEW AMERICAN REVOLUTION ACT

Mr. ROTH. Mr. President, quite often Senators come to this floor to emphasize the political and philosophical differences that exist between the Republicans and Democrats—the differences between the right and the left. But today I come to address a topic about which I believe we can find universal agreement—a topic about which we find consensus not only here on the floor of the Senate, but throughout America.

That topic concerns the effectiveness of our current Government—both the executive and legislative branches—in meeting the needs of Americans today and the needs of America tomorrow. Today, I intend to propose legislation that will allow us to break the political gridlock that has stifled any real government reform—legislation that will enable both sides of the aisle to work together to reenvision and then reinvent not only the Federal Government, but Congress as well.

Can anyone among us say today that the Federal Government is operating as effectively, as efficiently, as productively, and responsibly as possible in meeting the complex needs of modern America? Can anyone among us say that our Government is adequately preparing our Nation—the men, women, families; the manufacturers, farmers, and businesses of America—for a bright and prosperous future?

A future in which we, as a nation, will continue to be first among equals? A nation marked by freedom and opportunity? Can anyone say even that our taxpayers—the hard-working men and women who support the Government—are getting their money's worth?

If we cannot answer each of these questions in the affirmative—and I believe that we cannot—we have to ask: 'Why not?' Our Congress has access to the some of the best and the brightest minds in America. Across the street, we have the greatest library in the world. We have researchers, academics, lawyers, and political philosophers—access to information unlike the world has ever known. And thanks to a willing—and I might say a long-suffering—taxpayer, Congress has enough money to work fulltime at answering this question: "Why not?" Why can't the Federal Government be made to do what it should—to meet present needs and to lead America into a promising future—in an efficient, productive, and responsible way?

I believe that working together, the White House and Congress could revolutionize government in a way that it has not been done since the hot day in Philadelphia a little over two centuries ago. Working together, efficiency could be made the hallmark for American Government. Working together, costs could be reduced, taxes used responsibly, and Federal institutions could be made more responsive to the needs of Americans and to the future of America.

And this, Mr. President, is what we should be about. This is what our constituents sent us here to do, and the fact that it's not being done has led to the crisis of confidence we now face. An April 1 New York Times/CBS News poll suggested that an all-time low of 17 percent of the public approves of Congress right now; another poll shows that 78 percent of Americans are dissatisfied or angry about the Federal Government. On top of this, polls show that the average American believes 48 cents out of every dollar of Federal taxes is wasted. Almost half of their tax money, they believe, is being burned by an unaccountable and inefficient Government. I do not know that I can disagree with them; but I will also say that this is not the way it should be—not for the amount of money Americans are paying in taxes. No private corporation in the world could have survived treating its customers the way Congress and the Federal Government have treated the taxpayer.

Make no mistake, Mr. President, I am not singling out Federal employees for criticism. In truth, the Federal Government has many talented and hard-working employees, but their effectiveness is seriously handicapped by existing organizational structures and operations. The real problem is with the bureaucracy—not the bureaucrats. Too many Federal institutions have become bloated and inefficient, with structures and missions not reflecting current domestic and international priorities. They are slow and unresponsive. And they cost far too much for what they accomplish.

It is no wonder the people are angry. They see government as part of the problem, not the solution. This is especially true of Congress. Congressional procedures permit the avoidance of difficult problems and hard choices. Our committee structures are a reflection of old priorities from bygone eras. Responsibilities are fractured and scattered, so that nothing gets done. Accountability is diffused, so that we can all point fingers at each other.

The irony is that it does not have to be this way. We can change the system. We can change it without raising taxes and without increasing the deficit. It's not a question of being conservative or liberal; it is not a question of politics at all. It is a question of responsible management—a question about changing the way Government does business to reflect the needs of today and the opportunities of tomorrow. We would never believe that a private company like Xerox could survive the 1990's with the same management plan it had in the 1970's; likewise we would never expect any other major corporation to plan for the 21st century with the same business plan it used in the 20th. Yet we appear willing to keep government moving with the top-heavy, wasteful, and frustrating bureaucratic structure that it has accumulated over the past five decades.

Today our country is dramatically different. The pace of change is much more rapid, the problems far more complex. We are an information society, with the technology to provide wide access to important, decision-making data. We no longer need massive administrative bureaucracies, with top-down command and control through many multiple layers of hierarchy. It is within our ability to make the Federal Government more efficient, more effective, and more respon-

sive—by slimming it down, by eliminating duplication and overlap, by focusing its programs on a coherent set of specific missions, by giving managers greater discretion to respond quickly, and by holding agencies and programs accountable for results.

Clearly, Mr. President, it is time for a change. And there's no better moment than now, when the American people are demanding it. Just as it was our citizens' discontent that led to the Revolution of 1776 against a fat, overbearing, tax-levying king, we must now began to orchestrate a new American Revolution against a fat, overbearing, tax-levying Government bureaucracy. And the legislation I offer today is the first important step in this process. I call it Project Government Reform: The New American Revolution. Its objective is simple: To create a national commission with the authority to reinvent Government. And let me be clear about this commission: It will be a commission with teeth. One that can meet the requirements of restructing and reforming Government to make it more efficient, more effective, and more responsive to the challenges facing America today and to the needs of America tomorrow.

I believe my colleagues will agree with me that an overabundance of commissions in Government is part of the problem and not part of the solution. However, I am certain that they will also agree with me that the issue of closing costly and obsolete military bases—which Congress revisited unsuccessfully for more than 15 years—would still be unresolved had we not elevated the issue beyond politics. The Base Closure Commission empowered to make the recommendations—recommendations that Congress then had to vote on or have the recommendations automatically go into effect—was what allowed us to finally do what had to be done with those wasteful political pets. Likewise, a well-empowered commission to make similar recommendations on a Governmentwide basis is the one sure way we can reorganize Government, making it more efficient, more effective, and more responsive to Americans without getting tangled in politics.

This may seem like a tall order, Mr. President. To be honest, it is a tall order. But it must be done. At the moment, there are four conditions that make this proposal ripe: Federal Government institutions are failing to meet basic service needs; there are new sets of management principles and modern technologies that can be employed; and at the moment our Nation literally cannot afford to service the deficit, let alone continue to spend money it doesn't have on programs that aren't working. Finally, the Federal Government must be prepared to meet the challenges of global competition in this decade and the 21st century.

What we need is to right-size and restructure the executive branch. We need a serious look at consolidating departments and programs, privatizing certain responsibilities, eliminating unnecessary agencies and commissions. And in so doing, we would also be making major strides toward breaking the lock that so many Washington special interests have on public policy.

We should also look at the possibility of decentralizing Government services and agency decisionmaking—perhaps by moving more functions out of Washington and closer to the people where they can do the most good. Think about the potential of a Federal Government—like so many State and local governments—that makes a serious commitment to one-stop shopping. Think about the potential of a Federal Government that reaches out and simplified the redtape for citizens and businesses rather than forcing them to fight their way through a thick bureaucracy—rather than forcing them do deal with several different agencies, offices, and programs, in order to solve a single problem or get a necessary response. This new version of Government is what I am talking about, and establishing a commission that can work above the gridlock of politics is the first step in moving us in that direction.

How this bipartisan commission goes about revising the Federal Government will be—just as it was with the base-closing commission—driven by criteria that are concrete and objective. Much of the substance behind this legislative proposal comes from the work being done by entrepreneurial theorists across America—men like David Osborne and Ted Gaebler, who, advocate getting Government back to the spirit of service. In their book, "Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector," Osborne and Gaebler outline some heartening success stories from State and local governments across America. Unfortunately, however, they describe how the Federal Government is woefully behind in rethinking Government efficiency. In Washington, the old beliefs still prevail: Better service requires a larger work force spending more money.

Well, Mr. President, we cannot ignore the revolution any longer. I am confident that ways can be found to make our Federal Government more effective, more efficient, and more responsive—all while cutting costs by 25 percent. Toward this end, we need a commission that puts performance above politics—a commission to examine both the executive and legislative branches of Government. The commission would then make its recommendations to the President, who, would submit the recommendations he endorses to the Congress for a vote. Both Houses would have to reject the commission's proposed executive branch reforms for them not to go into effect.

Each House would vote individually on the reforms pertaining exclusively to that body. In other words, this would not end up being just an academic exercise, with a package of interesting ideas sitting on a shelf somewhere. It would force Congress to act on a series of fundamental reforms, all designed to reinvent and reinvigorate the way we do business in both branches.

Even Congress would be reevaluated, including those agencies that report directly to Congress, such as the General Accounting Office and the Congressional Budget Office. In my opinion, the days are over when Congress can set rules for everyone else but itself. With respect to Congress, as well as the executive branch, some of the commission recommendations, would include ways to define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability; consolidate and streamline departments, agencies, and programs, so as to reduce costs, minimize hierarchy, and focus responsibility; reduce the size of the Federal work force through attrition and redirect funding toward improved training and rewarding excellence; and develop mechanisms to promote greater attention to the long-term impacts of budgetary and policy decisions.

The public's confidence will return only when we are successful in getting governmental institutions to respond quickly and effectively, with high-quality services delivered at the minimum necessary cost. In other words, it will be when the people are satisfied that the Federal Government is squeezing maximum value out of each tax dollar. Clearly, we have a long way to go to achieve that. But this commission is a resolute first step.

Mr. President, I welcome the support and cosponsorship of my colleagues on this proposal. I believe it is one that we can join together on. It is nonpartisan and it is necessary. More importantly, it allows us to get proactive with Government, rather than reactive. It demonstrates that fundamental reform of ineffective and costly bureaucracy is possible, and that Congress can work together to make Government work.

We should promise the American people that we will consider a package of major reforms of the Federal Government before the next election, 2 years from now. That is what this legislation does, and I urge that we can enact it soon.

We can turn this crisis in confidence into an opportunity for significant improvement of Government services and efficiency. We owe Americans and the future of America nothing less.

Mr. President, I ask unanimous consent to have printed two attachments.

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

PROJECT GOVERNMENT REFORM: THE NEW AMERICAN REVOLUTION—SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE AND FINDINGS

This Act may be cited as the "Project Government Reform: The New American Revolution."

The Congress finds that—

The American people face a crisis of confidence in the Federal Government, which cannot be remedied without dramatic and fundamental reform. Recent polls indicate that an all time low of only 17 percent of the public approves of Congress, that 78 percent are dissatisfied or angry about the Federal Government, and that American think an average of 48 cents out of every dollar in federal taxes is wasted. While the American people are demanding more performance from their government for less money, Congress and the Executive branch still debate the same old options of fewer services or higher taxes. The public wants governmental institutions that respond quickly to citizens needs, with high-quality services delivered at the minimum necessary cost, and with ever more value squeezed out of each tax dollar.

The Federal Government has many talented and hardworking employees whose effectivenes is hindered by existing organizational structures and operations. Such organizations have too often become inefficient and have structures and missions not reflecting current domestic and international priorities. These organizations were developed during the industrial era, and have large, centralized bureaucracies, a preoccupation with rules and regulations, and a hierarchical chain of command. Such governmental organizations are so obsessed with regulating processes and procedures, that they have ignored the outcomes of their programs.

Unlike the Federal Government, American corporations have spent the last decade making revolutionary changes by streamlining their organizations, decentralizing authority, flattening hierarchies, focusing on quality, and emphasizing responsiveness to the customer. State and local governments have also begun to apply those same principles of post-industrial organization and uses of technology in successful efforts aimed at reinventing government. There is now a crucial need for a serious examination of how the Federal Government might apply such organizational and operational reforms to its own institutions.

SEC. 2. DEFINITIONS

Defines the term "commission" as the "Project Government Reform: The New American Revolution".

Defines the term "congressional instrumentalities" as all congressional agencies, including GAO, CBO, OTA, Library of Congress, the Government Printing Office, and the Architect of the Capitol.

Defines the term "governmental entities" as all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations.

Defines the term "joint committee" as the Joint Committee on the Organization of the Congress established in section 4.

SEC. 3. THE COMMISSION

The Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate. The President shall transmit to the Senate the nominations for appointment by February 1, 1993. In selecting individuals, the President should consult with—

the Speaker of the House concerning the appointment of two members;

the majority leader of the Senate concerning the appointment of two members;

the minority leader of the House concerning the appointment of one member; and

the minority leader of the Senate concerning the appointment of one member.

The remaining three members of the commission are appointed by the President with no requirement of consultation.

The Speaker and minority leader of the House and the majority leader and minority leader of the Senate will be non-voting ex officio members of the Commission.

Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

SEC. 4. JOINT COMMITTEE OF THE ORGANIZATION OF THE CONGRESS

The Joint Committee shall be composed of 12 members, including:

four members of the House, two appointed by the Speaker of the House and two appointed by the minority leader;

four members of the Senate, two appointed by the majority leader and two appointed by the minority leader;

four members of the public, of whom one appointed by each of the Speaker and minority leader of the House and majority and minority leader of the Senate.

The Joint Committee shall—

make a full and complete study of the organization and operation of the Congress and its instrumentalities;

recommend improvements in organization and operation with a view toward strengthening the effectiveness of the Congress and its instrumentalities, simplifying its operations, improving its relations with other branches of the Federal government, and improving orderly consideration of legislation.

The Joint Committee shall report to the national Commission not later than January 1, 1994. These recommendations will be considered by the national commission in its formulation of recommendations to be sent to the President under section 5.

SEC. 5. PROCEDURES FOR MAKING RECOMMENDATIONS

The national commission shall transmit to the President findings and statutory recommendations regarding reforms to the organization and operations of the Congress and executive branch which would improve governmental performance while minimizing costs. Such recommendations shall promote economy, efficiency, and improved service in the transaction of the public business, and include ways to—

(1) define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability;

(2) reform personnel systems so as to improve morale, inspire initiative, maximize productivity and effectiveness, and reward excellence;

(3) increase program responsiveness, by reducing paperwork and procedural requirements and increasing managerial discretion, in return for greater accountability for achieving results;

(4) consolidate and streamline departments, agencies, and programs, so as to reduce costs, minimize hierarchy, and focus responsibility;

(5) reduce the size of the federal workforce through attrition and redirect funding toward improved training and rewarding excellence in the workforce;

(6) promote the application of new information technologies, to improve management and reduce administrative costs; and

(7) develop mechanisms to promote greater cooperation and coordination between the legislative and executive branches, and greater attention to the long-term impacts of budgetary and policy decisions.

The Commission shall conduct public hearings on the recommendations. The Commission shall, by no later than June 1, 1994, transmit to the President a series of reports containing the Commission's findings and statutory recommendations. The Commission has the authority to divide its recommendations into a series of up to 12 reports to the President. No more than one report each shall pertain exclusively to the Senate, the House of Representatives, and the instrumentalities of Congress.

The President shall, by no later than July 1, 1994, transmit to the Commission and to the Congress the President's approval or disapproval of the Commission's recommendations. The President shall treat each report of the Commission as a separate report. If the President approves the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of the approval.

If the President disapproves the recommendations in any of the reports of the Commission, the President shall transmit to the Commission and to the Congress the reasons for that disapproval. The Commission shall then transmit to the President, by no later than July 15, 1994, a revised list of recommendations with regard to that report. If the President approves the revised report, the President shall transmit a copy of the revised report to the Congress, together with a certification of such approval.

If the President does not transmit to the Congress an approval and certification by August 1, 1994, of a particular report, the process by which the recommendations under this Act are to be implemented shall be terminated.

SEC. 6. IMPLEMENTATION OF EXECUTIVE BRANCH RECOMMENDATIONS

Subject to Congressional disapproval of a particular report, the President shall initiate all the recommendations within two years and complete all action no later than the end of six years.

The President may not carry out any of the recommendations if a joint resolution is enacted disapproving such recommendations of a particular report of the Commission before the earlier of the end of the 30-day period beginning on the date on which the President transmits the report or the adjournment of Congress sine die for the session.

A joint resolution is required to be introduced within the 5-day period beginning on the date on which the President transmits a report to the Congress. The resolution shall be referred to the Committee on Government Operations in the House and the Committee on Governmental Affairs in the Senate.

If the committee has not reported a resolution by the end of the 20-day period beginning the date the President transmits the report, the committee will be discharged from further consideration, and the resolution placed on the calendar of the House involved.

On or after the third day after the date on which the committee reported or been dis-

charged of the resolution, it is in order for any Member to move to proceed to the consideration of the resolution. Debate on the resolution shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order.

SEC. 7. IMPLEMENTATION OF LEGISLATIVE BRANCH RECOMMENDATIONS

Subject to Congressional disapproval by resolution, the leadership and officers of the House and Senate shall initiate and complete all the legislative branch recommendations within two years. Each body will only vote on the resolution pertaining to the recommendations relevant to that chamber's responsibilities.

The leadership and officers of the House and Senate may not carry out any of the recommendations in the relevant report if the resolution is enacted disapproving such recommendations of the Commission before the earlier of the end of the 30-day period beginning on the date on which the President transmits the report or the adjournment of Congress sine die for the session.

A resolution is required to be introduced within the 5-day period beginning on the date on which the President transmits a report under this act to the Congress. The resolution shall be referred to the Committee on House Administration in the House and the Committee on Rules in the Senate.

If the committee has not reported a resolution by the end of the 20-day period beginning the date the President transmits the report, the committee will be discharged from further consideration, and the resolution placed on the calendar of the House involved.

On or after the third day after the date on which the committee reported or been discharged of the resolution, it is in order for any Member of the respective House to move to proceed to the consideration of the resolution. Debate on the resolution shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order.

TIMETABLE

Beginning of 103rd Congress: Joint Committee on the Organization of the Congress formed.

February 1, 1993: President submits names of the national Commission members to Senate for confirmation.

January 1, 1994: Joint Committee on the Organization of the Congress files report and recommendations to the national commission.

January 1, 1994: GAO and OMB provide recommendations to the Commission.

June 1, 1994: Commission reports recommendations in a maximum of 12 separate reports, with no more than three pertaining exclusively to the legislative branch.

July 1, 1994: President accepts recommendations and sends them to Congress or returns recommendations to the Commission for further review.

July 15, 1994: If President returned recommendations, Commission can issue revised recommendations.

August 1, 1994: President either sends recommendations to the Congress or rejects them.

30-Days: If accepted by the President, the Congress then has 30 days to vote on resolution of disapproval for both executive and legislative branch findings and statutory recommendations.

By Mr. PELL (for himself and Mr. HELMS) (by request):

S. 2532. A bill entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act"; to the Committee on Foreign Relations.

FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992."

This proposed legislation has been requested by the President, 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 sectional analysis and the letter from the President to the Congress of the United States, which was received on April 3, 1992.

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

S. 2532

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

SECTION 1. TITLE.

This Act may be cited as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical and food assistance programs, and by fostering conditions that will encourage the United States business community to engage in trade and investment; and

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible.

SEC. 3. DEFINITION.

As used in this Act, except where the context indicates otherwise, the term "independent states of the former Soviet Union" shall include the independent states that formerly were part of the Soviet Union. It includes Armenia, Azerbaijan, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan; it does not include Estonia, Latvia, or Lithuania.

SEC. 4. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to facilitate the integration of the independent states of the former Soviet Union into the community of democratic nations, and to make a substantial contribution to the purposes described in section 5 by building on earlier initiatives, including ongoing technical coorperation, medical and food assistance programs. In furtherance of these purposes, the United States should support economic and political reform through the provision of assistance, as well as the promotion of United States trade and investment in those states and other efforts to normalize economic relations.

(b) PROVISION OF ASSISTANCE.—In providing assistance for the independent states of the former Soviet Union, the President should take into account the extent to which such states are taking appropriate steps toward—

(1) establishment of democratic systems based on principles of the rule of law and individual freedoms;

(2) respect for internationally recognized human rights, based on full respect for the individual and including equal treatment for persons belonging to minority groups;

(3) economic reform based on market principles, the development of a substantial private sector and integration into the world economy;

(4) respect for international law and obligations, and adherence to the principles of the Helsinki Final Act and the Charter of Paris; and

(5) adherence to responsible security policies, including non-proliferation of weapons of mass destruction and non-proliferation of destabilizing conventional weapons.

SEC. 5. PURPOSES OF ASSISTANCE.

In furtherance of the policies described in section 4, funds authorized to be appropriated by this Act may be made available for the independent states of the former Soviet Union for the purposes of promoting democracy, encouraging free market systems, meeting urgent and other humanitarian needs, fostering demilitarization of the economy and society, defense conversion and related purposes, promoting development in such sectors as agriculture and energy, promoting bilateral trade and investment, and for such other purposes as the President deems appropriate.

SEC. 6. EXTRAORDINARY NATURE OF ASSISTANCE.

The Congress recognizes that—

(1) change throughout the independent states of the former Soviet Union is occurring rapidly but unevenly, and it will remain impossible to anticipate with certainty how United States assistance would best serve to facilitate the processes of political and economic reform in each of these independent states;

(2) the varying pace of reform and change from region to region will affect in ways that cannot now be anticipated how and where United States assistance can be provided most effectively;

(3) the effectiveness of United States assistance depends on efficient coordination of United States efforts with the similar activities of friendly and allied donor countries, and of international financial institutions;

(4) the development and implementation of United States assistance and related programs should be carried out in a manner to promote the strengthening of United States bilateral relations with the independent states of the former Soviet Union;

(5) expanded trade and investment is the best method of promoting market reforms in the independent states of the former Soviet Union while at the same time promoting the involvement of United States businesses in the emerging private sector in those states;

(6) such trade and investment will generate strong employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin in future years to realize their enormous potential as both customers and suppliers; and

(7) the pace and unprecedented nature of events requires that the President be provided with the authority to furnish United States assistance and resources expeditiously if the United States is to be able to influence events as they occur and effectively promote the purposes of this Act.

SECTION 7. ASSISTANCE AND RELATED ACTIVITIES.

(a) AUTHORITY.—The President is authorized to furnish assistance in order to promote the purposes described in section 5, including assistance for—

(1) support for the creation and development of democratic political systems;

(2) support for the creation and development of private enterprise and free market systems, including technical assistance and training for individuals and appropriate institutions in the basics of business (such as the Special American Business Internship Training Program), public administration, commercial law, and improving understanding of how market economies function, and including support for multilateral efforts to promote macroeconomics stabilization through activities such as support for a stabilization fund or funds;

(3) creation of the conditions for expanded trade and investment, which will be crucial to the development of market economies and genuine private sectors;

(4) support for demilitarization of the society and economy of the independent states of the former Soviet Union and the conversion of defense-related industry and equipment for civilian purposes and uses, and for public and private efforts to absorb effectively defense-related industry personnel into the civilian sector;

(5) improvements in the agricultural sector, including in food distribution and transportation systems to enhance the ability of the independent states of the former Soviet Union to use their own resources to meet basic needs;

(6) promotion of investment in and increased efficiency of the energy sector, which would help the independent states of the former Soviet Union increase hard currency earnings in the medium term, as well as conservation of natural resources and other environment and ecology activities, and support for nuclear reactor safety;

(7) support in addressing emergency and other humanitarian needs of the people of the independent states of the former Soviet Union during the period of transition to a free market economy, particularly by providing technical assistance to enhance the ability of those states to meet future needs in this area;

(8) support for activities that will facilitate efforts connected with the withdrawal and relocation of military forces of the former Soviet Union; preventing the diversion of scientific expertise of the former Soviet Union to terrorist groups or third countries; storing, transporting, safeguarding, disabling and taking other measures to prevent the proliferation of nuclear, chemical and other weapons, including in appropriate circumstances having the United States purchase or otherwise receive such weapons or related material; establishing verifiable safeguards against the proliferation of such weapons; and other efforts designed to reduce the nuclear threat from the former Soviet Union; and

(9) support for educational and cultural exchange programs between the United States and the independent states of the former Soviet Union, including support for programs of the United States Information Agency, and support for " America Houses" in key locations in such states designed as focal points for exchanges of people and information to and from the United States.

(b) PROMOTING INVOLVEMENT OF U.S. PRIVATE SECTOR.—It is the sense of the Congress that the private sector in the United States needs to become increasingly involved in the process of transition taking place in the independent states of the former Soviet Union if reform efforts are to succeed. Accordingly, the President should and is authorized to undertake activities designed to promote the active involvement of the United States private sector, including as appropriate through—

(1) initiatives designed to encourage small- and medium-sized businesses to become involved in the markets of those states, including as appropriate the use of trade missions and other trade promotion techniques, establishment of small- and medium-sized business consortia, the establishment of a central information clearinghouse similar in function to the Eastern Europe Business Information Center, the establishment of information networks and assistance centers including one or more American Business and Management Centers, and the activities of the Department of Commerce and the Trade and Development Program;

(2) support, which may include contributions to an endowment, for one or more Enterprise Funds that help promote United States investment in the private sector of those states, for a "Eurasia Foundation" or similar organizations to provide funds for management and economics training, democratic institution building and other technical assistance including assistance for demonstration projects by American businesses, and for mechanisms designed to enhance the ability of the independent states of the former Soviet Union to acquire the services of private United States citizens needed to help meet technical assistance needs, as well as support through programs of the Overseas Private Investment Corporation and the Department of Commerce;

(3) support, which may include contributions to an endowment, for the "Citizens Democracy Corps" or other appropriate organizations, the purposes of which include utilizing United States citizens having appropriate experience to provide assistance at all levels within the independent states of the former Soviet Union to build democratic institutions, free market economies, and the basic infrastructure of a civil society; to mobilize private United States citizens to participate in such activities; and to establish local centers or work with the "America Houses" described in subsection (a)(9) in such countries in making available logistical and information resources;

(4) technical assistance designed to help normalize economic relations and increase trade between the independent states of the former Soviet Union and the United States, including through seminars on most-favored-nation treatment of goods and services and, when appropriate, the Generalized System of Preferences; and

(5) support for efforts by those states to join or participate in international economic and financial organizations such as the General Agreement on Tariffs and Trade, the Organization for Economic Cooperation and Development, the International Monetary Fund, the International Bank for Reconstruction and Development, and the European Bank for Reconstruction and Development.

(c) PROVISION OF ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for fiscal years 1992 and 1993 such sums as may be necessary to carry out this Act, in addition to amounts otherwise available for such purposes. Funds authorized to be appropriated by this Act are authorized to remain available until expended.

(2) ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT.—The President should and is authorized to utilize funds made available to carry out the Foreign Assistance Act of 1961, as amended, for programs or the independent states of the former Soviet Union, including utilization of funds under chapter 1 of part I of the Act for development activities in those states consistent with the purposes of that chapter, and of funds under chapter 4 of part II of that Act. Any funds made available under chapter 4 of part II of that Act may be utilized on the same basis as funds authorized to be appropriated by paragraph (1).

(3) APPLICATION OF AUTHORITIES UNDER THE SEED ACT.—In furtherance of the purposes of this Act, and consistent with the provisions of section 8 of this Act, the President may authorize any United States Government agency that has authority under the Support for East European Democracy (SEED) Act of 1989 to take SEED Actions for any eligible East European country under that Act to utilize such authority, and to make available any funds available to it for activities related to international affairs outside Eastern Europe, to take comparable actions with respect to any of the independent states of the former Soviet Union. For purposes of this Act, the term "United States Government agency" shall include any agency as defined in section 644(a) of the Foreign Assistance Act of 1961.

(4) DIRECT LOAN AND LOAN GUARANTEE AUTHORITIES.—Funds authorized to be appropriated by this Act may be utilized to cover the costs, including the cost of modifying such loans, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees with respect to the independent states of the former Soviet Union, including loan guarantees provided consistent with the provisions of section 108 of the Foreign Assistance Act of 1961, as amended, title IV of chapter 2 of part I of that Act, and the Export-Import Bank Act of 1945, as amended, and to cover the administrative expenses for such direct loans and loan guarantees.

(5) DEPARTMENT OF DEFENSE ACTIVITIES.—In recognition of the direct contributions that such activities can make to the national defense interests of the United States, the President is authorized to make available such sums as may be necessary of funds made available under sections 108 and 109 of Public Law 102-229, and of funds made avail-

able to carry out the provisions of section 23 of the Arms Export Control Act, to carry out the provisions of subsections (a)(4) and (a)(8).

(6) AUTHORITIES.—In order to assist in meeting the administrative costs incurred in connection with carrying out functions under this Act, of the funds authorized to be appropriated by this Act, such sums as may be necessary may be used for administrative expenses of United States Government agencies in connection with administering programs in furtherance of the purposes of this Act. Assistance may be provided and authorities may be exercised for the purposes of this Act notwithstanding any other provision of law, including any program ceilings on loan, guarantee or insurance programs contained in the Foreign Assistance Act of 1961, as amended, or in annual foreign operations, export financing, and related programs appropriations acts. In making available funds authorized to be appropriated under this Act the President may utilize any of the authorities applicable to the provision of assistance under the Foreign Assistance Act of 1961, as amended, and to programs for which appropriations are made in annual foreign operations, export financing, and related programs appropriations acts.

(d) In recognition of the importance of establishing an effective official United States Government presence in the independent states of the former Soviet Union, of the funds authorized to be appropriated by this Act, such sums as may be necessary may be used by the Department of State for costs of personnel and other expenses for new posts in such states.

SEC. 8. COORDINATION OF ACTIVITIES.

The effectiveness of United States efforts to promote a successful transition to democracy and market-oriented economies in the independent states of the former Soviet Union requires that assistance and related programs of all United States Government agencies affecting those states be carefully coordinated. At the same time, it is critical that all assistance and related efforts of United States Government agencies be coordinated with other aspects of our bilateral relations, with the assistance and related programs of other countries and institutions, and with United States foreign policy in general. Accordingly, the Congress commends the steps taken by the President to ensure effective coordination of all activities that the United States Government conducts in furtherance of the purposes of this Act.

SEC. 9. QUOTA INCREASE FOR INTERNATIONAL MONETARY FUND.

In recognition of the critical contribution that the activities of the International Monetary Fund can make to the purposes of this Act, the Bretton Woods Agreements Act is amended by adding at the end thereof the following new sections:

"SEC. 56. QUOTA INCREASE.

"The Congress endorses consent by the United States Governor of the Fund to an increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, limited to such amounts as are appropriated in advance in appropriation Acts.

"SEC. 57. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The Congress endorses consent by the United States Governor of the Fund to the amendments to the Articles of Agreement of the Fund approved in resolution numbered 45-3 of the Board of Governors of the Fund."

"SEC. 58. APPROVAL OF FUND PLEDGE TO SELL GOLD TO PROVIDE RESOURCES FOR THE RESERVE ACCOUNT OF THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY TRUST.

"The Congress endorses instruction by the Secretary of the Treasury of the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that would be sufficient to meet obligations of the Trust payable to lenders which have made loans to the Loan Account of the Trust that have been used for the purpose of financing programs to Fund members previously in arrears to the Fund.".

SEC. 10. SUPPORT FOR MACROECONOMIC STABILIZATION.

(a) IN GENERAL.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

(b) CURRENCY STABILIZATION.—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to $3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

SEC. 11. ROLE OF INTERNATIONAL FINANCE CORPORATION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the International Finance Corporation can play an important role in supporting the economic restructuring in the independent states of the former Soviet Union necessary to move toward market economies. The United States could play a critical role in enabling the International Finance Corporation to leverage the contributions of donors and increase its access to international capital markets, thereby promoting the purposes of this Act. Accordingly, it is the sense of Congress that the President should seek to ensure that the International Finance Corporation provides an ambitious lending program for the independent states of the former Soviet Union.

(b) AUTHORIZATION.—The Congress endorses voting by the United States Governor of the International Finance Corporation for any increase of capital stock of the Corporation that may be needed to accommodate the requirements of the independent states of the former Soviet Union.

SEC. 12. COCOM RESTRICTIONS.

The Congress commends recent efforts that have resulted in a substantial reduction of the number of items the export of which is restricted under COCOM procedures. It is the sense of the Congress that efforts to reduce the number of items the export of which is restricted under COCOM procedures should be continued as an important step in further facilitating expanded trade and investment between the United States and the independent states of the former Soviet Union.

SEC. 13. ESTABLISHMENT OF SCIENCE AND TECHNOLOGY CENTERS.

It is the sense of the Congress that the President should initiate negotiations for the establishment in Ukraine of a center, similar to the center presently contemplated for Russia, for the purpose of promoting science and technology projects for nonmilitary purposes. Such a center would minimize incentives for weapons scientists and engineers of the former Soviet Union, and particularly scientists and engineers previously involved in the design and production of nuclear, biological, and chemical weapons, and other weapons of mass destruction, to engage in activities that could contribute to proliferation of such weapons by supporting the activities for peaceful purposes of such scientists and engineers. It is the further sense of the Congress that the President should utilize the authorities described in sections 7(a)(4) and 7(a)(8) of this Act to make available appropriate support for such a center.

SEC. 14. STATUTORY LISTS OF COMMUNIST COUNTRIES AND SOVIET-SPECIFIC RESTRICTIONS.

(a) FOREIGN ASSISTANCE ACT OF 1961.—Section 620(f)(1) of the Foreign Assistance of 1961 is amended by striking from the list at the end thereof "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish Peoples Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania,", and "Union of Soviet Socialist Republics (including its captive constituent republics).".

(b) EXPORT-IMPORT BANK ACT OF 1945.—The Export-Import Bank Act of 1945 is amended in section 2(b)(2)(B)(ii), by striking from the list at the end thereof "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish Peoples Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania,", and "Union of Soviet Socialist Republics (including its captive constituent republics).".

(c) SPECIAL RESTRICTIONS ON PERSONS INVOLVED IN LEGAL COMMERCIAL TRANSACTIONS.—Section 951(e)(2) of Title 18, United States Code, is amended by striking out "the Soviet Union, the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Romania, or".

(d) OTHER OBSOLETE PROVISIONS.—Upon concluding that doing so is in the national interest of the United States, the President may waive the application with respect to any of the independent states of the former Soviet Union of any provision of law that would have restricted the eligibility of the Soviet Union, by name, or by virtue of actions or obligations of the Soviet Union as it existed prior to December 25 1991, and that might otherwise be construed, to apply to such republic or republics, with respect to any program, benefit or other treatment. This subsection shall not be construed as authorizing waivers of the provisions of Title IV of the Trade Act of 1974, as amended.

SEC. 15. ADDITIONAL STATUTORY PROVISIONS.

(a) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Section 234(g)(2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "or" and inserting a comma in lieu thereof"; and

(2) inserting ", and the independent states of the former Soviet Union" after the word "Act".

(b) AMENDMENT TO FOOD SECURITY ACT OF 1985.—Section 1110(b) of the Food Security Act of 1985 is amended by—

(1) striking out "or cooperatives" and inserting in lieu thereof "cooperatives, or other private entities"; and

(2) inserting after "such countries" the phrase ", including the independent states of the former Soviet Union.".

(c) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) in subsection (b), by inserting ", services, and agricultural goods and materials" after the word "facilities";

(2) in subsection (d)(1)(B)(i), by inserting ", farmers, other persons from the private sector," after "agricultural consultants"; and

(3) by amending subsection (d)(1)(D) to read as follows:

"(4) TECHNICAL ASSISTANCE.—The President is authorized to provide, or pay the necessary costs for, technical assistance to enable individuals or other entities to implement the recommendations, or to carry out the opportunities and projects identified under, paragraph (1)(A).".

(d) OTHER PROVISIONS APPLICABLE TO AGRICULTURE PROGRAMS.—

(1) FOOD SECURITY ACT OF 1985.—The ceiling limitation contained in section 1110(g) of the Food Security Act of 1985 shall not apply with respect to commodities furnished from stocks of the Commodity Credit Corporation during fiscal years 1992 and 1993 to the independent states of the former Soviet Union.

(2) AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.—For fiscal years 1992 and 1993, the ceiling limitation contained in section 202(e)(1) of the Agricultural Trade Development and Assistance Act of 1954, as amended, shall not apply with respect to programs for the independent states of the former Soviet Union. Any funds made available under that Act may be made available under section 202(e)(1) to assist private voluntary organizations and cooperatives in establishing new food assistance programs for those states under provisions of law other than title II of that Act, as well as for the purposes described in paragraphs (A) and (B) of that section.

(3) AGRICULTURAL TRADE ACT OF 1978.—The Secretary of Agriculture, in carrying out his responsibilities under section 202(f) of the Agriculture Trade Act of 1978, shall take into account the major economic reforms that have been and are occurring in the independent states of the former Soviet Union and the substantial enhancement in the international financial standing of those states to which such reforms can be expected to lead, as well as the contribution that guarantee programs of the Commodity Credit Corporation for these states can be expected to make in these circumstances to the purposes described in sections 202(c) and 202(d) of that Act, with a view toward maintaining a substantial guarantee program to promote the export of United States agricultural commodities in those states.

(e) RESTRICTIONS ON IMPORTS FROM THE SOVIET UNION.—To the extent consistent with Title IV of the Trade Act of 1974, as amended, the President is authorized and encouraged to exempt any of the independent states of the former Soviet Union from any statutory or regulatory restrictions on the importation of goods and services into the United States, to the extent that such restrictions are more stringent with respect to goods and services of such states than restrictions applicable to like goods and services of other friendly countries in similar circumstances.

(f) IMET PROGRAMS.—It is the sense of the Congress that the President should utilize funds made available for chapter 5 of part II of the Foreign Assistance Act of 1961 to provide education and training that is designed to foster greater respect for and understanding of the principle of civilian control of the military in the independent states of the former Soviet Union.

(g) PERSONNEL AUTHORITIES.—In addition to any other authorities available to them, United States Government agencies carrying out programs in furtherance of the purposes of this Act may employ United States citizens or organizations by contract for services abroad, and individuals so employed shall not, by virtue of such employment, be considered to be employees of the United States Government for the purposes of any law administered by the Office of Personnel Management, except that the President may determine the applicability to such individuals of any law concerning the employment of individuals abroad, including the Federal Torts Claim Act.

SECTIONAL ANALYSIS OF THE FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 would authorize the President to provide critical support for the economic and political transformation taking place in the independent states of the former Soviet Union.

Section 1—Title.

This section entitles the bill the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992".

Section 2—Findings.

This section sets forth a series of findings that emphasize the opportunities created by recent events in the independent states of the former Soviet Union for a transition to a peaceful and stable international order and the integration of those states into the community's interest in a successful transition, and the special role that the United States can play because of its heritage and traditions in contributing to this transition. The section also sets forth that failure to meet these opportunities could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible.

Section 3—Definition.

This section defines the phrase "independent states of the former Soviet Union" as used in this Act. It includes any state established on the territory of the former Soviet Union, but does not include Estonia, Latvia, or Lithuania.

Section 4—Policy.

Subsection (a) sets forth that United States policy should, among other things, facilitate integration of the independent states of the former Soviet Union into the community of democratic nations and support economic and political reform through the provision of assistance, as well as the promotion of United States trade and investment in these states and other efforts to normalize economic relations.

Subsection (b) sets forth several considerations that the President should take into account in providing assistance, including establishment of democratic systems; respect for internationally recognized human rights; economic reform; respect for international law and obligations, and adherence to the principles of the Helsinki Final Act and the Charter of Paris; and adherence to responsible security policies.

Section 5—Purposes of Assistance.

This section states that funds authorized to be appropriated by this Act may be made available for the independent states of the former Soviet Union in furtherance of the policies described in section 4 for the purposes of promoting democracy, encouraging free market systems, meeting urgent and other humanitarian needs, fostering demilitarization of the society and economy, defense conversion and related purposes, promoting development in such sectors as agriculture and energy, promoting bilateral trade and investment, and for such other purposes as the President deems appropriate.

Section 6—Extraordinary Nature of Assistance.

This section highlights the extraordinary circumstances surrounding the need for assistance under this Act, and the need in light of these circumstances to ensure that the United States is in a position to furnish United States assistance and resources expeditiously if it is to be able to influence events as they occur and effectively promote the purposes of this Act.

Section 7—Assistance and Related Activities.

Subsection (a) authorizes the President to furnish assistance in order to promote the objectives described in section 5, including assistance for support for the creation and development of democratic political systems, and of private enterprise and free market systems (including support for multilateral efforts to promote macroeconomic stabilization through activities such as support for a stabilization fund or funds), creation of the conditions for expanded trade and investment, demilitarization of the society and economy, conversion of defense-related industry and equipment for civilian purposes and uses, and public and private efforts to absorb effectively defense-related industry personnel into the civilian sector, improvements in the agriculture sector, including in food distribution and transportation systems, promotion of investment in and increased efficiency of the energy sector as well as conservation of natural resources and other environment and ecology activities and support for nuclear reactor safety, addressing emergency and other humanitarian needs, activities that will facilitate efforts connected with the withdrawal and relocation of military forces of the former Soviet Union as well as nonproliferation and related efforts (including in appropriate circumstances having the United States purchase, or receive without cost, such weapons or related material), and educational and cultural exchange programs.

Subsection (b) sets forth the sense of the Congress concerning promoting involvement of the United States private sector in the process of transition taking place in the independent states of the former Soviet Union and authorizes the President to undertake activities designed to promote the active involvement of the private sector. These activities include:

Initiatives designed to encourage involvement of small- and medium-sized businesses in the markets of those states;

Support (including in the form of contributions to an endowment, in which circumstances the organization would—as under section 201(h) of the Support for East European Democracy (SEED) Act of 1989 with respect to Enterprise Funds for Poland and Hungary—be able to retain and use for program purposes interest earned on funds received as grants) for one or more Enterprise Funds that help promote United States investment in the private sector, for a Eurasia Foundation or similar organizations to provide funds for management and econom-

ics training, democratic institution building, and other technical assistance, and for mechanisms designed to enhance the ability of the independent states of the former Soviet Union to acquire the services of private United States citizens needed to help meet technical assistance needs;

Activities and programs of the Department of Commerce, the Overseas Private Investment Corporation and the Trade and Development Program;

Support for the "Citizens Democracy Corps" or other appropriate organizations as described in the provision;

Technical assistance designed to help normalize economic relations and increase trade between the independent states of the former Soviet Union and the United States; and

Support for efforts by those states to participate in certain international economic and financial organizations.

Subsection (c)(1) authorizes to be appropriated to the President such sums as may be necessary to carry out this Act, in addition to amounts otherwise available for such purposes.

Subsection (c)(2) authorizes the President to utilize funds made available to carry out the Foreign Assistance Act of 1961, as amended, for programs for the independent states of the former Soviet Union, and specifies that any such funds that are made available under chapter 4 of part II of that Act may be utilized on the same basis as funds authorized to be appropriated under paragraph (1).

Subsection (c)(3) authorizes any United States Government agency that has authority under the Support for East European Democracy (SEED) Act of 1989 to take SEED Actions for any eligible East European country under that Act to utilize such authority to take comparable actions with respect to any of the independent states of the former Soviet Union. A definition of the phrase "SEED Actions" is set forth in section 2(c) of the Support for East European Democracy (SEED) Act of 1989, and the subsection specifies that the phrase "United States Government agency" is intended to have the same meaning as the phrase "Agency of the United States Government" in section 644(a) of the Foreign Assistance Act of 1961. Under this subsection, agencies may utilize funds available to them for activities related to international affairs outside Eastern Europe in order to fund activities under this section. This exception for Eastern Europe is intended to help ensure that funding for programs for the independent states of the former Soviet Union not come at the expense of programs for the countries of Eastern Europe (including the Baltic countries of Estonia, Latvia and Lithuania).

Subsection (c)(4) authorizes utilization of funds authorized to be appropriated by this Act to cover the subsidy cost and administrative expenses for any direct loans or loan guarantees. Loans or guarantees could be provided in connection with this authority in a variety of ways. For instance, they could be provided directly under the authority of this paragraph; in connection with the general authority under the Foreign Assistance Act to provide assistance on such terms as may be best suited to the achievement of the purposes of that Act; or in connection with the authority to furnish assistance under chapter 4 of part II of that Act "on such terms and conditions as [the President] may determine, in order to promote economic stability." Alternatively, funds could be utilized in the same manner as under ongoing loan, guarantee and insurance programs such as those conducted by the Overseas Private Investment Corporation and the Export-Import Bank.

Subsection (c)(5) supplements the authority of the President to utilize funds made available under section 108 and 109 of Public Law 102-229 by making them available to carry out the provisions of section 7(a)(4) and section 7(a)(8), relating to efforts described above in such areas as nonproliferation, withdrawal and relocation of military forces of the former Soviet Union, demilitarization and defense conversion. This subsection also authorizes the use of foreign military financing (FMF) funds appropriated to carry out the provisions of section 23 of the Arms Export Control Act for these same types of activities. In combination with the authority contained in the following subsection, described below, FMF funds could be utilized for providing such activities notwithstanding any other provision of law, and thus the purpose for which such activities might be undertaken would not need to fall within the categories described in section 4 of that Act, nor would there be a requirement to find the independent states of the former Soviet Union eligible for arms sales before proceeding.

Subsection (c)(6) contains a series of general authorities. First, it authorizes use of funds authorized to be appropriated by this Act for administrative expenses of United States Government agencies in connection with administering programs in furtherance of the purposes of this Act. Second, it provides that assistance may be provided and authorities may be exercised for the purposes of this Act notwithstanding any other provision of law. It thus for instance would permit the use of funds appropriated under subsection (c)(1) or economic support funds made available under subsection (c)(2) notwithstanding any other provision of law; would permit the use of funds for Overseas Private Investment Corporation (OPIC) and Export-Import Bank loan, guarantee and insurance programs under subsection (c)(4) notwithstanding otherwise applicable program ceilings on their activities (including for example limitations on maximum contingent liability contained in sections 235(a) (1) and (2) of the Foreign Assistance Act of 1961 and limitations on commitments to guarantee loans contained in section 235(a)(2) of that Act); would as already indicated permit under subsection (c)(5) the use of funds made available to carry out the foreign military financing program for assistance described under subsections (a)(4) and (a)(8) without regard to the restrictions otherwise applicable to such funds; and would permit the taking of actions authorized under this or other sections of the Act notwithstanding such provisions. Finally, this subsection provides that in making available funds appropriated under this Act, the President may utilize any of the authorities applicable to the provision of assistance under the Foreign Assistance Act of 1961, as well as any of the authorities applicable to programs for which appropriations are made in annual foreign operations, export financing, and related programs appropriations acts (including as an example Peace Corps programs).

Subsection (d) contains a statement regarding the importance of establishing an effective official United States Government presence in the independent states of the former Soviet Union. It provides that of the funds authorized to be appropriated by this Act, such sums as may be necessary may be used by the Department of State for costs of personnel and other expenses for new posts in such states.

Section 8—Coordination of Activities.

This section stresses the need for careful coordination of all United States assistance and related programs for the independent states of the former Soviet Union among United States Government agencies and with the efforts of other countries and institutions. In this connection, the President issued a comprehensive statement regarding coordination within the Executive branch on December 12, 1991. The subsection commends the steps taken by the President to ensure effective coordination of all activities that the United States Government conducts in furtherance of the purposes of this Act.

Section 9—Quota Increase for International Monetary Fund.

This section amends the Bretton Woods Agreements Act in recognition of the critical contribution that the activities of the International Monetary Fund can make to the purposes of this Act. The section provides for an increase in the quota of the United States in the International Monetary Fund, subject to appropriations, as previously requested by the Administration. At the same time, it provides for acceptance of certain amendments to the Fund's Articles of Agreement that would allow the Fund to suspend a member's voting rights if that member, having been declared ineligible to use the Fund's general resources because it failed to fulfill obligations under the Articles, persists in its failure to fulfill its obligations; and contains a related provision regarding the sale of certain of the Fund's gold. The amendment and the gold pledge are integral parts of the strengthened arrears strategy, which was in turn adopted as an integral part of the arrangements concerning the quota increase to ensure that the Fund's monies are utilized wisely. The quota increase resolution that was approved by the Fund's Board of Governors provides that the quota increase cannot become effective without approval of the amendments described above to the Articles of Agreement.

Section 10—Support for Macroeconomic Stabilization.

Subsection (a) states that, in order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

In furtherance of the purposes and consistent with the conditions described in subsection (a), subsection (b) expresses congressional support for United States participation, in sums of up to $3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

Section 11—Role of International Finance Corporation.

Subsection (a) expresses the sense of the Congress with regard to the role of the International Finance Corporation (IFC), and expresses the sense of the Congress that the President should seek to ensure that the IFC provides an ambitious lending program for the independent states of the former Soviet Union.

Subsection (b) constitutes the authorization contemplated under section 5 of the International Finance Corporation Act for the United States to vote for any increase in the capital stock of the International Fi-

nance Corporation needed to accommodate the requirements of the independent states of the former Soviet Union.

Section 12—COCOM Restrictions.

This section commends recent efforts that have resulted in a substantial reduction of the number of items the export of which is restricted under COCOM procedures, and states the sense of the Congress that efforts to reduce the number of items the export of which is restricted under COCOM procedures should be continued as an important step in further facilitating expanded trade and investment between the United States and the independent states of the former Soviet Union.

Section 13—Establishment of Science and Technology Centers.

This section states the sense of the Congress that the President should initiate negotiations for the establishment of a Science and Technology Center in Ukraine, similar to the center presently contemplated for Russia.

Section 14—Statutory lists of communist countries and Soviet-specific restrictions.

Subsections (a), (b) and (c) delete the Soviet Union and Eastern European countries from the statutory communist country lists contained in the Foreign Assistance Act of 1961 and the Export-Import Bank Act of 1945, as well as the provisions governing registration of foreign agents representing these countries in certain legal commercial matters.

Subsection (d) authorizes the President, upon concluding that doing so is in the national interest, to waive the application with respect to any of the independent states of the former Soviet Union of provisions of law that would have restricted the eligibility of the Soviet Union, by name, or by virtue of actions or obligations of the Soviet Union as it existed prior to December 25, 1991, and that might otherwise be construed to apply to such republic or republics, with respect to any program, benefit or other treatment. The provision thus recognizes that statutory provisions enacted in an earlier era to prohibit certain activities with respect to the Soviet Union should no longer necessarily apply with respect to the independent states of the former Soviet Union, and that in many cases it will not make sense to apply restrictions to the independent states that arise because of actions or obligations for which the Soviet Union was responsible. In some cases such statutory provisions might be deemed inapplicable to the independent states as a matter of statutory interpretation of the particular provision involved, but even in such cases a mechanism that allows for a specific waiver will be useful in clarifying situations about which there might otherwise be doubt. Among the statutory provisions to which this authority would apply are the Byrd and Stevenson Amendments, each of which specifically names the Soviet Union, and the Johnson Debt Default Act, which applied by virtue of actions or obligations in connection with the renunciation of debt by the former Soviet Union. A specific exception provides that the authority of this provision cannot be used to waive the provisions of Title IV of the Trade Act of 1974, which includes the Jackson-Vanik Amendment.

Section 15—Additional statutory provisions.

Subsection (a) amends section 234 of the Foreign Assistance Act to make the independent states of the former Soviet Union eligible for the OPIC pilot equity program. Subsections (b), (c), and (d) contain a series of provisions allowing greater flexibility in Department of Agriculture programs for the independent states of the former Soviet Union. Subsection (d)(3) states that the Secretary of Agriculture, in carrying out his responsibilities under section 202(f) of the Agricultural Trade Act of 1978, shall take into account the major economic reforms that have been and are occurring in the independent states of the former Soviet Union and the substantial enhancement in the international financial standing of those states to which such reforms can be expected to lead, as well as the contribution that guarantee programs of the Commodity Credit Corporation for these states can be expected to make in these circumstances to the purposes described in sections 202(c) and 202(d) of that Act, with a view toward maintaining a substantial guarantee program to promote the export of United States agricultural commodities in those states.

Subsection (e) provides authority for the President to exempt where appropriate the independent states of the former Soviet Union from certain statutory or regulatory restrictions on the importation of goods and services into the United States, though not from the provisions of Title IV of the Trade Act of 1974.

Subsection (f) expresses the sense of the Congress that the President should utilize funds made available for the International Military Education and Training (IMET) program to provide education and training that is designed to foster greater respect for and understanding of the principle of civilian control of the military in the independent states of the former Soviet Union.

Subsection (g) relates to personnel services contracting authority. Several United States Government agencies have the authority to enter into personal services contracts (PSCs) with United States citizens abroad. The extension of the authority to hire United States citizens under PSCs to all agencies when carrying out programs in furtherance of the purposes of this Act would have at least three beneficial effects: (1) it would enable them to hire from the pool of talent among Mission dependent spouses, who often have advanced university degrees and practical skills of great value, and other qualified in-country United States citizens; (2) it would enable them to cover unexpected staff vacancies immediately by taking advantage of spouse security clearances; and (3) by cutting back on part-time intermittent appointments, it would avoid the need to draw against the agencies' employment ceilings to handle new responsibilities. This section would permit the United States Information Agency, for example, to hire spouses or United States students in country to participate in the wide-ranging activities of America Houses in the independent states of the former Soviet Union.

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" (the FREEDOM Support Act of 1992). Also transmitted is a section-by-section analysis of the proposed legislation.

I am sending this proposal to the Congress now for one urgent reason: With the collapse of the Soviet Union, we face an unprecedented historical opportunity to help freedom flourish in the new, independent states that have replaced the old Soviet Union. The success of democracy and open markets in these states is one of our highest foreign policy priorities. It can help ensure *our* security for years to come. And the growth of political and economic freedom in these states can also provide markets for our investors and businesses and great opportunities for friendship between our peoples.

While this is an election year, this is an issue that transcends any election. I have consulted with the congressional leadership and have heard the expressions of support from both sides of the aisle for active American leadership. I urge all Members of Congress to set aside partisan and parochial interests.

Just as Democrats and Republicans united together over 40 years to advance the cause of freedom during the Cold War, now we need to unite together to win the peace, a democratic peace built on the solid foundations of political and economic freedom in Russia and the other independent states.

This proposal gives me the tools I need to work with the international community to help secure the post-Cold War peace. It provides a flexible framework to cope with the fast-changing and unpredictable events transforming Russia, Ukraine, Armenia, and the other states. This proposal will allow us to:

—Mobilize fully the executive branch, the Congress, and the private sector to support democracy and free markets in Russia and the other independent states of the former Soviet Union;

—Address comprehensively the military, political, and economic opportunities created by the collapse of the Soviet Union, targeting our efforts and sharing responsibilities with others in the international community; and

—Remove decisively the Cold War legislative restrictions that hamstring the Government in providing assistance and impede American companies and businesses from competing fairly in developing trade and investment with the new independent states.

Passage of this proposal will enable the United States to maintain its leadership role as we seek to integrate Russia and the other new independent states into the democratic family of nations. Without the tools this proposal provides, our policy of collective engagement will be constrained, our leadership jeopardized.

This proposal has 10 key elements:

First, this proposal provides the necessary flexibility for the United States to extend emergency humanitarian assistance to Russia and the other new independent states.

Emergency humanitarian assistance will help the peoples of the former Soviet Union to avoid disaster and to reduce the danger of a grave humanitarian emergency next winter. In this endeavor, the United States will not go it alone but will continue to work closely with the international community, a process we initiated at the Washington Coordinating Conference in January and will continue in the months ahead in regular conferences with our allies. By dividing our labors and sharing our responsibilities, we will maximize the effects of our efforts and minimize the costs.

Second, this proposal will make it easier for us to work with the Russians and others in dealing with issues of nuclear power safety and demilitarization. This proposal broadens the authority for Department of Defense monies appropriated last fall for weapons destruction and humanitarian transportation to make these funds, as well as foreign military financing funds, available for nonproliferation efforts, nuclear power safety, and demilitarization and defense conversion.

Third, technical assistance can help the Russians and others to help themselves as they build free markets. Seventy years of totalitarianism and command economics prevented the knowledge of free markets from taking a firm hold in the lands of Russia and Eurasia. By providing know-how, we can help the peoples and governments of the new independent states to build their own free market systems open to our trade and investment. It will also allow agencies authorized to conduct activities in Eastern Europe under the "Support for East European Democracy (SEED) Act of 1989" to conduct comparable but separate activities in the independent states of the former Soviet Union. Through organizations such as a Eurasia Foundation, we will be able to support a wide range of technical assistance efforts.

Fourth, this proposal will allow us to significantly expand our technical assistance programs that facilitate democratization in the new states, including our expanding rule of law program. It will authorize support for programs such as "America Houses." It also provides support for expanded military-to-military programs with Russia and the other new independent states to cultivate a proper role for the military in a democratic society.

Fifth, this proposal provides a clear expression of bipartisan support to continue to extend Commodity Credit Corporation Credit guarantees to Russia and the other new independent states in light of the progress they are making toward free markets. As they overcome their financial difficulties, we should take into account their commitment to economic freedom in providing credit guarantees that will help feed their peoples while helping American farmers.

Sixth, for American business, this proposal expands authority for credit and investment guarantee programs such as those conducted by the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank. It will allow us to waive statutory ceilings on credit guarantee programs of the Export-Import Bank Act and other agencies that applied to the Soviet Union and the restrictions of the Johnson Debt Default Act on private lending. In this way, it will expand U.S. exports to and investment in Russia and the other new independent states.

Seventh, this bill will facilitate the development of the private sector in the former Soviet Union. This bill removes Cold War impediments while promoting outside investment and enhanced trade. It will also allow waiver of restrictions on imports from the independent states of the former Soviet Union beyond those applied to other friendly countries. It will support efforts to further ease Coordinating Committee (COCOM) restrictions on high technology. The bill will also allow the establishment of Enterprise Funds and a capital increase for the International Financial Corporation.

Eighth, this proposal will allow the United States to work multilaterally with other nations and the international financial institutions toward macroeconomic stabilization. At the end of World War II, the United States stood alone in helping the nations of Western Europe recover from the devastation of the war. Now, after the Cold War, we have the institutions in place—the International Monetary Fund (IMF) and the World Bank—that can play a leading role in supporting economic reform in Russia and Eurasia.

Therefore, this proposal endorses an increase in the IMF quota for the United States. This will help position the IMF to support fully a program of macroeconomic stabilization. I request the Congress to pass both the authorization and appropriations necessary for this purpose.

Ninth, this proposal endorses a significant U.S. contribution to a multilateral currency stabilization fund. Working with the international financial institutions and the other members of the G-7, we are putting together a stabilization fund that will support economic reform in Russia and the other independent states.

Tenth, this proposal provides for an expanded American presence in Russia and the other new independent states, facilitating both government-to-government relations and opportunities for American business. Through organizations such as the Peace Corps and the Citizens Democracy Corps, we will be able to put a large number of American advisors on the ground in the former Soviet Union.

In sending this authorization legislation to the Congress, I also request concurrent action to provide the appropriations necessary to make these authorizations a reality. In order to support fully multilateral efforts at macroeconomic stabilization, I urge the Congress to move quickly to fulfill the commitment of the United States to the IMF quota increase. And I urge prompt enactment of the appropriations requests for the former Soviet Union contained in the Fiscal Years 1992 and 1993 Budget requests presently before the Congress.

I call upon the Congress to show the American people that in our democratic system, both parties can set aside their political differences to meet this historic challenge and to join together to do what is right.

On this occasion, there should be only one interest that drives us forward: American's national interest.

GEORGE BUSH.

THE WHITE HOUSE, *April 3, 1992*.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. ADAMS, Mr. DIXON, Mr. DODD, Mr. MURKOWSKI, Mr. STEVENS, and Mr. SEYMOUR):

S. 2533. A bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EARTHQUAKE AND VOLCANIC ERUPTION HAZARD REDUCTION ACT

• Mr. INOUYE. Mr. President, today, I rise to introduce the Earthquake and Volcanic Eruption Hazard Reduction Act. I am joined by Senators AKAKA, ADAMS, DIXON, DODD, MURKOWSKI, STEVENS, and SEYMOUR as original cosponsors of my bill.

The purpose of this legislation is to reduce losses arising from future earthquakes and volcanic eruptions, and to make insurance against such disasters widely available and affordable to the general public. This legislation is based upon H.R. 2806, introduced last year by Representative SWIFT. However, my measure expands insurance coverage to include fires associated with volcanic eruptions. Some insurance companies on the Island of Hawaii refuse to provide coverage for damage resulting from fires caused by volcanic lava flows. Consequently, many homeowners on the Island of Hawaii are unable to obtain insurance to protect themselves from possible losses.

In the absence of an adequate system for insuring against such losses, victims of earthquake and volcanic eruption must rely upon various forms of disaster assistance. Unfortunately, there are several widely recognized problems plaguing disaster assistance programs. According to a Senate Commerce Committee report entitled "Earthquake Insurance: Problems and Options" (Senate Report 99-220) disaster assistance programs: First, are costly to the Federal Government and taxpayers; second, in effect subsidize disaster losses, and thus creates problems in seeking disaster assistance relief; third, do not provide adequate assistance to all victims; fourth, are inequitable; and fifth, do not allow people to choose the amount of protection they desire.

There are two insurance programs established under this legislation. First, the bill creates a State-oriented earthquake and volcanic eruption hazard reduction program of incentives and phased-in requirements.

Second, the bill creates two separate but similar insurance programs which, in conjunction with the private sector, prefunds natural disaster assistance. Both insurance programs will be managed by the Federal Emergency Management Agency and include: First, a primary insurance program supported by homeowner-paid premiums to cover residential losses resulting from earthquake, or volcanic eruption, including fire associated with a volcanic eruption; and second, an excess reinsurance program supported by industry-paid premiums to cover most insured damages resulting from a catastrophic earthquake or volcanic eruption.

Under the Hazard Reduction Program, the Federal Emergency Management Agency [FEMA], in consultation with existing hazard reduction programs and an advisory committee, is required to develop Federal hazard reduction criteria standards. Such criteria will include building codes, land-use planning, and seismic strengthening of existing structures. Upon approval and implementation of the reduction criteria, earthquake-prone and volcanic-prone States have 2 years to minimally comply with the relevant mitigation measures of the Federal standards.

Further, a self-sustaining mitigation fund, which consists of insurance premiums, would be established to assist states with its compliance efforts. Additional education and technical support efforts are also authorized under this bill, to be paid from the fund.

In addition, an earthquake-prone State or volcanic eruption-prone State

will be penalized if it fails to certify compliance of the Federal hazard reduction criteria. States could not qualify for federally backed mortgages, unless the homeowner voluntarily takes steps to mitigate damages from future earthquakes or volcanic eruptions.

The bill also provides insurance incentives such as lower deductibles and premiums for homes that meet the seismic standards in earthquake-prone States, as well as lower premiums for new residential property not constructed in volcanic zones for volcanic eruption-prone States.

The other components of this measure are the insurance programs. The primary insurance program extends coverage to residential property which includes one to four family residential dwellings, and the contents of condominiums, cooperatives, and apartment structures. FEMA would set the coverage limits, variable deductibles, and the insurance rates. Premiums would be actuarial to cover the frequency and severity of the earthquake risk over an extended period, and the rates would vary by geographic zones to minimize cross-subsidization. Premiums would be collected by private insurers and remitted to a Federal trust fund, which would be off-budget and tax-exempt. Insurers would process the claims and pay for the losses arising from earthquake and volcanic eruption disasters. The Federal trust fund would reimburse the insurers from the moneys in the tax-exempt fund. In the event the fund is insufficient to pay all losses, the shortfall would be made up by borrowing from the U.S. Treasury. Insurers would also contribute 10 percent to make up any shortfall. This Government borrowing and industry cost-sharing would be repaid with interest from future premiums.

The excess reinsurance program requires insurers participating in the primary insurance program to purchase the reinsurance coverage offered under the excess reinsurance program. The reinsurance program would be available for many lines of coverage, including fire, workers compensation, business interruption, burglary and theft, homeowners, multiple peril, and other liabilities resulting from earthquakes and volcanic eruptions. FEMA would set the reinsurance premiums which are based upon actuarial principles. The premiums collected by the Federal Government would be maintained in a tax-exempt fund—separate from that of the primary insurance program—and would be used to pay losses should the excess reinsurance program become activated. The Federal borrowing authority is authorized to cover deficits in the excess reinsurance program with provisions for repayment from future reinsurance premiums. For the insurance industry to qualify for reinsurance payments, a catastrophic earthquake or volcanic eruption must result in at least $10 billion worth of insured losses. The Federal Government is liable to an individual insurer or reinsurer for 95 percent of the qualifying losses once the reinsurance coverage is activated.

Mr. President, this legislation is a reasonable means of providing affordable insurance against earthquake and volcanic eruption losses. I urge my colleagues to support this measure.●

● Mr. SEYMOUR. Mr. President, I am pleased to join today with the distinguished senior Senator from Hawaii, [Mr. INOUYE] and a number of my colleagues in introducing the Earthquake and Volcanic Eruption Hazard Reduction Act.

Few residents of California's bay area will ever forget where they were or what they were doing on the evening of October 17, 1989. Baseball fans everywhere were tuning their televisions set to game 3 of the World Series when, at 5:04 p.m. a major earthquake struck. The Loma Prieta earthquake was the largest to hit a major population center in the United States in decades. It opened America's eyes to the very real and destructive forces of earthquakes.

To put the Loma Prieta earthquake in perspective, it was about the same magnitude as the December 1988 Armenian earthquake that killed over 25,000. The California toll was much lower thankfully due to better building construction and earthquake resistant provisions in the building code. I raise this issue to point out that much of the damage and loss of life in the Loma Prieta earthquake was a result of structural damage.

Few people realize that the Loma Prieta earthquake was only rated moderate to large by the U.S. Geological Survey. In other words, Mr. President, the big one is still out there; experts predict it will occur within the next 30 to 40 years and be as much as 30 times more powerful than Loma Prieta. It is estimated that a very large earthquake near an urban area could cause as much as $50 billion in insured losses, leading to failure in the marketplace.

Let me point out as well, that the likelihood of such an earthquake occurring east of the Mississippi is quite high. This is not an issue for California alone, but one for States along the New Madrid Fault like Missouri and Illinois and other States along the east coast from South Carolina to New York to name but a few.

The legislation we are introducing is not a cure-all to the myraid of problems and the pain and suffering that inevitably result from earthquakes of such a magnitude. This bill, however, will begin a long-overdue dialogue toward the development of workable and cost-effective loss mitigation programs. Moreover, it is the starting point to the establishment of a broad-based nationwide earthquake insurance program. It is important to recognize that the earthquake insurance program created through this bill will be self-supporting with no financial liability to the Federal Government.

Mr. President, as a Californian, I have witnessed firsthand the tremendous destructive forces of earthquakes. We must do all that we can to be prepared before the next one strikes. This legislation can help us to accomplish this goal.●

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2535. A bill to amend the National School Lunch Act to modify the minimum nutritional requirements for school lunches, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL SCHOOL LUNCH ACT AMENDMENTS

● Mr. INOUYE. Mr. President, I rise to amend the National School Lunch Act to improve upon the nutritional requirements for school lunches. My bill requires the Secretary of Agriculture to provide lunches under the School Lunch Program that meet the current dietary guidelines for Americans, utilize nutritive values of foods in defining school lunch patterns, and encourage the use of locally produced foods.

While our current laws may imply that the National School Lunch Program is consistent with the dietary guidelines for Americans, my measure makes compliance explicit. Further, compliance may or may not be the case if school lunch patterns are derived through the use of food components. This latter concept served its purpose when the National School Lunch Program was initiated. However, the concept is today outdated, in light of the tremendous strides made in the nutritional sciences since the inception of the School Lunch Program. Specifically, I refer to the nutritive value information contained in the current edition of the United States Department of Agriculture's Agriculture Handbook No. 8. This data reflects the increasing information available on nutrients and food products, and serves as a more appropriate and up-to-date basis for defining school lunch patterns.

In all candor, I was shocked to learn that there is more accuracy and precision in the formulation of rations for livestock using the advances in nutritional sciences than there is in formulating our children's school lunch patterns derived from the use of food components. Additionally, the present use of food components can and does preclude the use of lesser known foods, even though the latter may surpass the nutritional content of some of the more standard foods. These less commonly used foods are often those produced locally and are not in the mainstream of the American diet.

In Hawaii, there are numerous instances where locally grown foods are high in nutritive content, and are pre-

ferred to the more standard foods. For example, some of the tropical fruit juices fall in this category. Guava juice is highly nutritious and compares favorably with juices commonly used in the School Lunch Program. Guava juice, and Guava-blend juice, are also well known by Hawaii's children and often the juice of preference. Unfortunately, the food component approach precludes the use of guava juice to partially meet the fruit requirement because guava juice is never used at full or even half strength. It is always served in a diluted form. Even in this form, the nutritional content is on a par with more commonly used juices. Yet, given the imprecise nature of food components, guava juice in its preferred serving form is not allowed.

Precluding the use of these locally produced foods denies flexibility to School Lunch Program managers and also denies our children of foods that are nutritious, familiar, and in some cases, cultural. This illogical circumstance stems from the rigidities of using food components, rather than nutritive values in defining school lunch patterns. I was proud to have assisted in securing the necessary approvals to allow taro, a member of the potato family, to be served in limited situations. I believe the serving of taro should be made a full option for Hawaii's School Lunch Program managers because it is nutritious, familiar, and was a mainstay of the native Hawaiian diet.

Of course, simply allowing for the inclusion of locally produced foods does not preclude School Lunch Program managers from using the more usual foods that are available on a national basis. However, I strongly believe that local food producers should be given an opportunity to compete to have their products served through the School Lunch Program.

Through my bill, we would provide our children who participate in the School Lunch Program with meals that more closely comply with current and established dietary guidelines. The use of nutritive values, rather than food groups, allows considerably more precision in lunch pattern preparation. Further, by encouraging the use of locally produced foods, children participating in the program are offered foods with which they have familiarity. There are also added benefits of increased nutritive values associated with freshness.

I urge my colleagues to support this bill.

Mr. President, I ask that the full text of my bill be printed in the RECORD.

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

S. 2535

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

SECTION 1. MINIMUM NUTRITIONAL REQUIREMENTS FOR SCHOOL LUNCHES.

Section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended—

(1) in paragraph (1), by striking "Lunches" and inserting "Subject to the other provisions of this subsection, lunches"; and

(2) by adding at the end the following new paragraph:

"(5) In prescribing minimum nutritional requirements for lunches under paragraph (1), the Secretary shall—

"(A) consider lunches that are consistent with current Dietary Guidelines for Americans published by the Secretary and the Secretary of Health and Human Services to have met the requirements;

"(B) utilize the nutritive value of foods, rather than food components, in defining school lunch patterns; and

"(C) encourage the use of locally produced foods.".•

By Mr. SEYMOUR:

S. 2536. A bill to amend the Public Health Service Act to establish a program of formula grants for compensating certain trauma care centers for unreimbursed costs incurred with respect to undocumented aliens, and for other purposes; to the Committee on Labor and Human Resources.

TRAUMA CARE CENTER ALIEN COMPENSATION ACT

• Mr. SEYMOUR. Mr. President, I rise today to introduce a bill which will assist our Nation's trauma care system with unreimbursed costs incurred by serving undocumented aliens. Trauma centers find themselves in a precarious situation. These centers are being forced to shut down due to uncompensated care. While undocumented aliens are not the sole reason for these closings, this segment of our population receives approximately 18 percent of our Nation's uncompensated emergency care.

The United States represents a haven for those that seek entrance at our borders. However, undocumented aliens that enter the United States present a new challenge to our Nation's ability to provide trauma care to all it's citizens. The Federal Government has the responsibility for monitoring our Nation's borders. In addition, Federal agencies have mandated that trauma centers and other health care facilities provide emergency trauma care to everyone, regardless of their financial capabilities, or ability to pay. These trauma centers have lived up to the obligations the Federal Government has placed upon them. Since the Federal Government has created the financial dilemma forcing many trauma centers to close their doors or down grade their services, it should be the responsibility of the Federal Government to assist trauma centers in receiving the necessary funding to continue serving all patients.

Currently it is estimated that 1 to 2 million undocumented aliens enter the United States annually. The Congressional Budget Office estimates 30 percent of these will require health care, and 40 percent of the costs will be for emergency care. While this problem has impacted health care reimbursement in California, it is not a problem unique to California. Problems with undocumented aliens exist across the Nation with undocumented aliens compounding already compromised trauma care in the midwestern and Northeastern States. The magnitude of this problem cannot be legitimately examined because most undocumented aliens will not or are afraid to admit they are in the country illegally.

As I stated, when undocumented aliens present themselves to our Nation's trauma centers, the trauma center rarely receives payment for care provided thereby writing off the bill. In San Diego, one facility has 11–18 percent undocumented alien trauma cases, with an estimated unreimbursed cost of $2.7 million. To further illustrate this point, a young male recently sneaked across the border into Arizona, was shot, evaluated at a local emergency department and eventually airlifted to a regional trauma center. He will now receive trauma care, at the average cost of $3,000 per day with no hope of reimbursing the facility for its services. At a time when trauma centers already provide uncompensated care to uninsured or indigent U.S. citizens, continued costs related to trauma care of undocumented aliens places trauma centers in jeopardy of closing or down-grading their trauma services due to financial constraints.

Trauma care represents 12 percent of all unsponsored acute hospital care. In 1988 it was estimated that an average trauma victim incurred a bill of $12,000. Uncompensated care or indigent care in 1983 accounted for $2.3 billion of our health dollars. Yet, even with reimbursement, each trauma case can result in a loss of $3,500 to $4,000 to the trauma center. Overall, the GAO reported in 1989 that 28 of trauma centers responding reported a cumulative loss of $65.5 million. Nationwide, 309 trauma centers have closed since 1984, 74 since 1988. Actual statistics are hard to obtain on the actual trauma care losses due to undocumented trauma care, but I can report that in Arizona during the months of January and February of 1992, one facility has incurred a loss of over $500,000 as a result of care for foreign nationals.

This bill will reimburse trauma centers that carry a higher percentage of uncompensated care for undocumented aliens. It is intended not to discriminately disperse money to trauma centers, but to provide a discretionary reimbursement to trauma centers which incur the extra burden of providing this type of care. The citizens of this Nation need to be assured that they will be quickly cared for in the event of a traumatic injury. I urge my colleagues to join me in sponsoring this legislation.•

By Mr. KENNEDY:

S. 2537. A bill to support efforts to promote democracy in Peru; to the Committee on Foreign Relations.

DEMOCRACY IN PERU ACT OF 1992

Mr. KENNEDY. Mr. President, today, on behalf of Senators CRANSTON, WOFFORD, KERRY, ADAMS, GRAHAM, GORE, MOYNIHAN, and myself, I am introducing the Democracy in Peru Act of 1992. The purpose of this measure is to support efforts to ensure that democracy and constitutional order are restored in Peru.

During the course of the past decade, nearly all the nations in this hemisphere have embraced democracy and a democratic form of government.

Tragically, within the past 6 months, the democratic governments of three of these nations—Haiti, Venezuela, and now Peru—have been threatened by military coups. The United States must do all it can to support civilian governments in Latin America and make clear that military might will not be permitted to subvert the democracies in this hemisphere.

Two days ago, Peruvian President Alberto Fujimori and the Peruvian Armed Forces launched an unconstitutional assault on Peruvian democracy by suspending the Peruvian Constitution, dissolving the Peruvian Congress and judiciary, arresting opposition leaders, and placing the media under Government control.

President Fujimori's cabinet immediately resigned in protest, and members of the Peruvian Congress have condemned the President's actions as amounting to a coup.

At this important time in Peruvian history, the United States and other nations in this hemisphere must take a strong stand with the Peruvian people in their struggle to preserve democracy. If the Peruvian people's dream of freedom and democracy is to become a reality, we must adopt strong measures to encourage restoration of the rule of law in Peru. Peru's Armed Forces must learn that rule by the power of the gun will not prevail, and that a penalty will be paid for attempts to undermine democracy.

The Bush administration deserves credit for the steps it has already taken to suspend nonhumanitarian aid to the Government of Peru. This legislation supports that important step and outlines the measures which President Fujimori and the Peruvian Armed Forces should take to restore constitutional order before United States aid to Peru is resumed.

The bill suspends all nonhumanitarian aid to the Government of Peru until President Bush certifies to the Congress that:

First, President Fujimori and the Peruvian Armed Forces have restored the Peruvian Congress and the judiciary to power; are respecting the full force and effect of the Peruvian Constitution; have restored individual rights in Peru, including freedoms of speech, assembly, and the press; and are respecting the human rights of all Peruvians;

Second, the Peruvian Armed Forces have submitted to civilian control; and

Third, President Fujimori and the armed forces have renounced violence as a means of achieving political goals.

In addition, the measure calls upon the Organization of American States and the international community to take appropriate steps to ensure that constitutional order is restored in Peru.

If the United States Congress intends to keep faith with the Peruvian people, we must take these steps to encourage the restoration of a democratic government that guarantees freedom and human rights, and show by our leadership that we will not stand by while a repressive military regime destroys this fragile democracy.

The continuing assaults on Latin American democracies are an affront not only to the people of Haiti, Venezuela, and Peru, but to all friends of freedom around the world.

It is more important than ever that the United States, the Organization of American States, and the international community take a strong stand in supporting the Peruvian people in their struggle for a peaceful, democratic government. In the absence of unified, international condemnation of unlawful attempts to subvert democracy, the recent threats to democracy will only proliferate in the years ahead.

I urge my colleagues to join us in supporting this measure on behalf of the Peruvian people.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KENNEDY, Mr. MITCHELL, Mr. COHEN, and Mr. KERRY):

S. 2538. A bill to establish a comprehensive program to ensure the safety of fish products intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CONSUMER SEAFOOD SAFETY ACT

Mr. HOLLINGS. Mr. President, I am pleased today to join with several of my colleagues in introducing the Consumer Seafood Safety Act. As many will recall, the topic of seafood safety was the focus of considerable discussion and debate in the last Congress. Late in the last Congress, two very different bills were passed by the Senate and the House of Representatives. The differences could not be reconciled before the end of the session, and no legislation was completed. The bill I am introducing today incorporates provisions from both the Senate and House bills and is an important milestone toward final enactment of seafood safety legislation.

The Consumer Seafood Safety Act deals with an important concern of both the American consumer and the U.S. seafood industry—ensuring the safety of the seafood we eat. Seafood is a nutritious part of the American diet, and has well-documented health benefits as well. The latest statistics on seafood consumption reflect public recognition of its health importance. In 1990, Americans bought and ate about $26.7 billion of fish products, an estimated 15.5 pounds per person. In addition, figures show that the average person eats about 4 pounds of recreationally caught fish each year. Americans are now consuming about 60 percent more seafood than they did 10 years ago. The increased popularity of seafood is reflected in record 1990 U.S. fishery harvests of 9.7 billion pounds, valued at $3.6 billion, and in 1990 seafood imports that totaled 2.9 billion pounds and were valued at $5.2 billion.

However, at the same time that we are told that eating fish is healthy, reports have raised consumer concerns about the hazards of consuming spoiled or contaminated seafood. This past February, Consumers Union reported that its 6-month investigation of fresh fish and shellfish raised serious questions about quality. In 1990, the National Academy of Sciences concluded that while most available seafood is wholesome and unlikely to cause illness, there are areas of risk that should be addressed.

The current U.S. system to ensure seafood safety is a patchwork of State and Federal agency efforts. While the States and the Federal Government has established programs to deal with seafood problems, the current legal and enforcement tools at their disposal clearly are not adequate to guarantee public safety. The time has come to pull all the existing efforts together into a comprehensive program to ensure seafood safety.

Over the past year, I have worked with a number of our colleagues, the administration, and interested consumer and industry groups to define the essential elements of a national seafood safety program. This effort has taken three factors into consideration: First, the unique characteristics of the fishing industry; second, the specialized public health problems that can occur with seafood; and third, existing Federal agency expertise.

Looking first at the unique and complex nature of the Nation's fisheries, we must recognize that traditional agricultural inspection systems will not work for seafood. Unlike meat and poultry, over 200 species of fish are harvested in the wild and sold commercially. Billions of pounds of fish are processed annually in remote locations and onboard fish processing vessels at sea. Further, many fish never go to a plant at all. Inspectors cannot rely on plant inspections; they will have to inspect fish on the docks, at fish markets, and at sea as well.

In addition, the commercial seafood industry is diverse and seasonal, with over 100,000 fishing vessels, and any seafood safety program must account for such diversity. The processing sector is also varied, and includes many small operations whose equipment and awareness of proper storage and processing techniques vary from rudimentary to sophisticated. Further complicating the situation is the fact that roughly two-thirds of the seafood consumed in the United States is imported from over 120 countries with varying degrees of seafood inspection expertise. Finally, a significant amount of fresh seafood is consumed locally and does not move in interstate commerce, necessitating a strong and continuing involvement at the State level.

The second consideration in developing a national seafood safety program is the public health and consumer problems associated with eating seafood. While the U.S. seafood consumer is not facing a national public health crisis, there are seafood-associated health risks that are not addressed effectively at present. The Centers for Disease Control estimate that three problems account for over 90 percent of all illnesses caused by seafood: First, illnesses from eating raw molluscan shellfish—oysters, clams, and mussels—particularly those harvested commercially and recreationally from polluted waters; second, scombrotoxic poisoning due to toxins formed in species like tuna, mackerel, bonito, and mahimahi if they are not handled properly; and third, ciguatoxic illness associated with eating tropical reef fish like barracuda. In addition, the 1990 report by the National Academy of Sciences emphasized that more attention must be paid to determining whether some seafood contains unacceptable levels of contaminants, such as mercury, that could cause long term, chronic health problems.

Seafood-related health risks can be minimized in a variety of ways. Both shellfish contamination and ciguatera problems are best addressed through monitoring the growing areas and preventing harvests from polluted or contaminated waters. Increased sampling and surveillance may be necessary to minimize the possibility of chronic health problems. To prevent scombrotoxic poisoning, proper cooling equipment onboard harvesting vessels is essential. In addition, many problems of seafood deterioration occur as a result of inadequate refrigeration during commercial transport after harvest. Clearly, a seafood safety program will be effective only if it takes into consideration all factors affecting product safety, from coastal water quality to interstate transportation.

The last consideration is the issue of Federal agency qualifications for running a national seafood safety program. One commonly held misconception is that there is no Federal system now in place to assure consumers that the fish which they buy and eat is safe, wholesome and properly labeled. People are surprised to learn that two Federal agencies in particular, the Food and Drug Administration [FDA] and the National Oceanic and Atmospheric Administration [NOAA], have developed substantial seafood safety expertise over the years. In 1992, FDA and NOAA will spend over $65 million to ensure the safety and quality of the seafood we eat. This collective effort employs about 850 personnel in inspections, analyses, and research at over two dozen sites around the Nation. In addition, the Food Safety and Inspection Service [FSIS] of the Department of Agriculture has an inspection infrastructure which could be focused on improving the safety of imported seafood. A comprehensive program should be based upon the current responsibilities and capabilities of these Federal agencies.

How does the Consumer Seafood Safety Act respond to these considerations? Building on existing food safety programs and statutes, it addresses the unique health issues associated with seafood in order to create a comprehensive national program. The bill recognizes that traditional meat and poultry inspection programs are not appropriate for addressing seafood problems, and proposes a widely supported, nontraditional approach, the hazard analysis critical control point [HACCP] method. The HACCP method consists of three clearly defined steps. First, hazards associated with harvesting, processing, and using a food product must be identified and assessed. Second, critical control points must be determined to control any identifiable hazard. Third, procedures must be established to monitor the critical control points. The HACCP method provides a rational, commonsense basis for an effective, less than continuous inspection system. Because this method requires employees to become an integral part of efforts to monitor the safety of the seafood they process, protection for whistleblowers is essential.

The bill also calls for a complementary system of tolerance setting, regulatory guidance and standards, sampling, and enforcement activities at the Federal and State levels of government. Clear emphasis is placed in addressing shellfish problems and on monitoring and regulating growing areas and fishing grounds. In addition, the legislation calls for evaluation and certification of foreign seafood safety programs and would require imports to meet the same standards as domestically produced seafood. Finally, the bill would improve our national surveillance, public education and advisory systems. In short, the Consumer Seafood Safety Act provides for an effective and efficient program that should ensure the quality of our seafood products. The legislative focuses on addressing seafood-specific issues, and should not be seen as a precedent for other food safety programs.

This bill represents a compromise among many interests. Each of us has given ground on issues like agency responsibility. While the Consumer Seafood Safety Act differs from the legislation I supported in the last Congress, it is a reasonable compromise that gives us a sound basis for Senate consideration of this issue. I am pleased that several of my colleagues have shared my commitment to its completion, including the senior Senator from Alaska, the majority leader and the chairman of the Labor and Agriculture Committees. I also thank Under Secretary of Commerce, John Knauss, and Food and Drug Administration head, David Kessler, for their technical support and assistance.

I ask unanimous consent that the bill I am introducing today and a more detailed summary of the legislation be printed in the RECORD following my remarks.

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

S. 2538

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 "Consumer Seafood Safety Act of 1992".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Unsafe seafood.
Sec. 5. Effect on other laws.

Title I—National Seafood Safety Program

Sec. 101. Administration of national program.
Sec. 102. Shellfish safety.
Sec. 103. Tolerances for contaminants in seafood.
Sec. 104. Monitoring of growing areas and fishing grounds.
Sec. 105. Processing and handling.
Sec. 106. Seafood inspection system.
Sec. 107. Sampling of fish products.
Sec. 108. Registration of processors and importers.
Sec. 109. State and Federal cooperation.
Sec. 110. Imports.
Sec. 111. Authorization of appropriations.

Title II—Research and Education

Sec. 201. Public health assessment system.
Sec. 202. Public education and advisory system.
Sec. 203. Research.

Title III—Seafood Safety Enforcement

Sec. 301. Whistleblower protection.
Sec. 302. Recall.
Sec. 303. Prohibited acts and penalties.
Sec. 304. Subpoenas.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) Seafood constitutes an important component of the Nation's food supply. A wide

variety of domestic and imported fish products are consumed throughout the Nation. Seafood is not only harvested and marketed by a large and diverse commercial fishing industry, but also is caught and consumed by noncommercial users.

(2) Heightened awareness of the health benefits associated with seafood has raised consumption rates and increased the demand for wholesome seafood.

(3) The consumption of seafood harvested from polluted waters and the sale of unsafe of misbranded fish products are injurious to the public welfare, destroy markets for wholesome and properly labeled and packaged seafood, and result in injury to consumers and losses to the United States seafood industry.

(4) The National Academy of Sciences, in its 1991 study entitled "Seafood Safety", reports that while most seafood available to the United States public is wholesome and unlikely to cause illness, there should be a comprehensive approach to known seafood safety problems.

(5) To address such problems and to ensure consumer confidence in the wholesomeness of fish products, existing Federal standards and systems of inspection and monitoring must be strengthened.

(6) A national seafood safety program should be built upon the existing responsibilities and capabilities of the Food and Drug Administration, the National Oceanic and Atmospheric Administration, and the Food Safety and Inspection Service, which have extensive experience with regulatory, research, monitoring, enforcement, and education issues related to human health, fisheries, and the inspection of food.

(7) The Federal Government should foster and support mandatory and effective State programs to ensure a comprehensive national seafood safety program.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "Conference" means the Interstate Shellfish Sanitation Conference or any successor organization.

(2) "contaminant" means a chemical or microbiological contaminant, parasite, or toxin.

(3) "facility" includes any factory, warehouse, establishment, or vessel.

(4) "fish" means finfish, shellfish and other mollusks, crustaceans, amphibians, and all other forms of aquatic life, whether from wild or cultured sources, except birds and mammals.

(5) "fish product" means—

(A) any product intended for human consumption and derived in whole or in part from fish; or

(B) any fish intended for human consumption that is in the possession or control of any person.

(6) "fish tender vessel" has the meaning given that term in section 2101(11c) of title 46, United States Code.

(7) "fishing vessel" has the meaning given that term in section 2101(11a) of title 46, United States Code.

(8) "interstate commerce" means commerce—

(A) between a place in a State and a place outside such State (including a place outside the United States); or

(B) within the District of Columbia or any territory or possession of the United States.

(9) "person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, cooperative, or other entity (whether or not organized under the laws of any State), and any State, local, or foreign government, or any entity of such government or the Federal Government.

(10) "processing" means, with respect to fish products, the commercial preparation, manufacture, or transportation of such fish products, including heading and gutting, canning, cooking, smoking, filleting, fermenting, freezing, dehydrating, mincing, drying, consumer packaging, and warehousing, except such practices as heading, gutting, or freezing intended solely to prepare fish products for holding on board a vessel for delivery to a person engaged in such commercial preparation, manufacture, or transportation.

(11) "seafood" means fish products in general.

(12) "Secretary" means the Secretary of Health and Human Services.

(13) "shellfish" means any species of oyster, clam, or mussel, either shucked or in the shell, and either processed or unprocessed, or any edible part thereof.

(14) "shellfish shipper" means a person who transports shellfish in interstate commerce, or holds shellfish for such transport.

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.

SEC. 4. UNSAFE FISH.

(a) FISH AND FISH PRODUCTS DEEMED UNSAFE FOR HUMAN CONSUMPTION.—For purposes of this Act, fish products shall be deemed to be unsafe for human consumption if the fish products—

(1) contain a contaminant for which a tolerance has been established under section 103 and the contaminant is not within the limits of such tolerance;

(2) are derived in whole or in part from fish that have been harvested from a fish growing area or fishing ground that, for the protection of public health, has been closed to such harvesting, under State law or regulations or under section 104;

(3) have been processed, handled, stored, or transported in violation of standards established under section 102 or 105; or

(4) are shellfish and are—

(A) grown or harvested in (i) a State that does not have a program approved under section 102(b) or (ii) a foreign nation that is not certified for shellfish under section 110(f)(3);

(B) harvested from a shellfish growing area that has not been classified and monitored in accordance with standards and procedures established under section 102(a); or

(C) transported in interstate commerce, or held for such transport, by a person who is not included in the list maintained by the Secretary under section 102(c).

(b) EFFECTIVE DATES.—The provisions of paragraphs (1), (2), and (3) of subsection (a) shall take effect on the date of enactment of this Act. Each provision of paragraph (4) of subsection (a) shall take effect upon a date specified by the Secretary and published in the Federal Register, or on the date that is 30 months after the date of enactment of this Act, whichever is sooner.

SEC. 5. EFFECT ON OTHER LAWS.

(a) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Nothing in this Act, except as expressly provided, shall alter the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), as amended by this Act.

(b) QUALITY ASSURANCE PROGRAMS.—Nothing in this Act shall be construed to preclude a Federal seafood quality assurance program established under other law or a State seafood quality assurance program for fish products produced under the jurisdiction of such State.

TITLE I—NATIONAL SEAFOOD SAFETY PROGRAM

SEC. 101. ADMINISTRATION OF NATIONAL PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Agriculture, and other appropriate entities, shall administer a national program for the purpose of protecting human health by ensuring the safety of seafood consumed in the United States.

(2) The program shall—

(A) take into consideration the distinctive characteristics, fishing methods, and processing practices related to different fish species;

(B) be based on a comprehensive analysis of the hazards associated with different fish and fish products and with the harvesting, processing, and handling of different fish and fish products, including the identification and evaluation of—

(i) the severity of the potential health risks;

(ii) the sources and specific points of potential contamination that may render fish products unsafe for human consumption; and

(iii) the potential for persistence, multiplication, or concentration of contaminants in fish or fish products;

(C) determine critical control points for addressing identifiable hazards; and

(D) establish procedures to monitor critical control points and prevent identifiable hazards.

(b) PROGRAM ELEMENTS.—The program shall provide for—

(1) administration of a comprehensive shellfish safety program;

(2) establishment and enforcement of health-based standards for (A) substances which may contaminate seafood and (B) safety and sanitation in the processing and handling of fish products;

(3) development of a system to identify and monitor fish growing areas and fishing grounds;

(4) implementation of procedures and requirements to ensure the safety of imported fish products;

(5) implementation of a national system for the inspection of fish products (including a sampling and testing program for contaminants in fish products) and for registration of processors and importers;

(6) support for and coordination with State governments in carrying out inspection, enforcement, and monitoring, including compensation to the States for carrying out such functions;

(7) inclusion of seafood in a national surveillance system to assess the health risks associated with the human consumption of food products;

(8) development of public education and advisory programs; and

(9) design and implementation of a research program in furtherance of the purposes of this Act.

(c) FEDERAL SEAFOOD SAFETY HANDBOOK.—The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Agriculture, and other appropriate entities, shall develop and update on a regular basis a concise and comprehensive handbook containing Federal regulations and guidelines relating to seafood safety. The Secretary shall ensure that the handbook is generally available for the purpose of disseminating information to the industry and encouraging integrating of

such Federal regulations and guidelines into State regulatory processes.

SEC. 102. SHELLFISH SAFETY.

(a) STANDARDS, PROCEDURES, AND REQUIREMENTS.—(1) The Secretary, in consultation with the Secretary of Commerce, the Conference, and other appropriate entities, shall administer a national shellfish safety program designed to protect against hazards to human health associated with the consumption of shellfish. Not later than 12 months after the date of the enactment of this Act, the Secretary shall issue regulations or guidelines establishing standards, procedures, and requirements for the effective implementation of such a program, including—

(A) standards for the growing, harvesting, handling, processing, and shipment of shellfish;

(B) standards for the water quality of shellfish growing and harvesting areas;

(C) procedures for classifying and monitoring all actual and potential shellfish growing areas to determine their suitability for shellfish harvesting, based on standards established under this subsection;

(D) procedures for requesting that shellfish growing areas which are unsuitable for harvesting be closed by—

(i) the Secretary of Commerce in accordance with section 104(b);

(ii) the Governor of any affected State; or

(iii) the Secretary of Commerce in accordance with section 104(c), whenever a significant risk of adverse health consequences exists;

(E) procedures and requirements to facilitate tracing shellfish in interstate commerce, including a system for maintaining a list of certified shellfish shippers in accordance with subsection (c); and

(F) such other standards, procedures, and requirements as are necessary to carry out the provisions of this section.

(2) Regulations or guidelines issued under this section shall incorporate, to the extent practicable, guidelines issued in accordance with the memorandum of understanding between the Conference and the Food and Drug Administration, dated March 14, 1983, and any amendments or addendums thereto.

(3) The Secretary shall, on a regular basis, review and revise the standards, procedures, and requirements established under this section, incorporating where practicable and appropriate any recommendations of the Conference.

(b) STATE PROGRAMS.—(1) Upon issuance of regulations or guidelines under subsection (a), the Secretary shall request each shellfish-producing State to submit a proposed State shellfish safety program. The Secretary in cooperation with the Secretary of Commerce shall review each proposed State program submitted, and not later than 120 days after each submission, the Secretary shall—

(A) approve the program if it meets the requirements described under paragraph (2); or

(B) disapprove the program if it does not meet such requirements, notify the Governor of the State identifying the reasons for the disapproval, and provide an opportunity for the State to correct and resubmit the program for approval.

(2) The Secretary shall approve a proposed State shellfish safety program submitted under this subsection if the Secretary determines that the program—

(A) achieves the purpose of the national program as stated in subsection (a);

(B) ensures that standards established under subsection (a) are met through a comprehensive State monitoring system;

(C) provides adequate enforcement to ensure that harvesting of shellfish occurs only in waters that (i) meet applicable standards established under subsection (a) and (ii) are appropriately classified as being suitable for harvest of shellfish in accordance with procedures established under subsection (a);

(D) provides for certification of shellfish shippers that are in compliance with the program; and

(E) ensures compliance with tolerances established under section 103 of this Act and ensures that shellfish are not deemed to be adulterated under section 402(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)).

(3) The Secretary shall review at least annually each State program approved under this subsection to determine whether the program and the State's implementation of the program continue to meet the requirements of paragraph (2).

(4) The Secretary shall withdraw approval of a State program or any portion thereof that the Secretary, in consultation with the Secretary of Commerce and the Conference, determines no longer meets the requirements of paragraph (2) after providing notice to the State and providing an opportunity for corrective action. The Secretary shall promptly publish notice in the Federal Register regarding such determination.

(5) The Secretary may annually grant to each State with a program approved under this subsection an amount not to exceed 60 percent of the cost of operating the program. Amounts granted under this paragraph shall be distributed among the States in a fair and equitable manner, in accordance with criteria established by the Secretary by regulation, and taking into account the proportion, volume, and value of—

(A) shellfish harvesting and processing in each State during the 5 calendar years immediately preceding the calendar year in which the amounts are granted; and

(B) classified shellfish growing areas in each State.

(c) LISTING SHELLFISH SHIPPERS.—(1) The Secretary shall publish and maintain a list of shellfish shippers that are certified—

(A) by a State under a program approved pursuant to subsection (b); or

(B) pursuant to section 110(f)(2)(D) by a foreign national with which there is in effect an agreement under section 110.

(2) The Secretary may exclude from a list under this subsection a shellfish shipper that is certified by a State or a foreign nation, if the Secretary determines that—

(A) in accordance with subsection (b)(4), the applicable portion of such State's shellfish safety program no longer meets the requirements of subsection (b)(2);

(B) such foreign nation no longer meets the requirements of section 110(f)(2)(D); or

(C) the shellfish shipper is not in compliance with—

(i) an applicable approved State program under this section after notice to the State and opportunity for action;

(ii) the applicable shellfish shipper certification system of a foreign nation under an agreement pursuant to section 110; or

(iii) requirements under any Federal law relating to the safety of shellfish for human consumption.

SEC. 103. TOLERANCES FOR CONTAMINANTS IN SEAFOOD.

(a) TOLERANCES.—The Secretary shall establish tolerances limiting the quantity of contaminants that, when found in fish products, may render such fish products injurious to health. Such tolerances may include indicators (including indicator organisms) from which it may reasonably be inferred that a contaminant is present in fish or fish products. In developing a tolerance, the Secretary shall take into account the extent to which consumers may be exposed to such contaminant from sources other than fish products, and the extent to which such contaminant can be avoided or minimized in the harvesting of fish or the handling or processing of fish products. While a tolerance under this section is in effect, no fish product shall, by reason of bearing or containing a contaminant that complies with such tolerance, be deemed to be adulterated under section 402(a)(1) or (2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(1) or (2)(A)).

(b) REGULATIONS.—(1) The Secretary, after notice and opportunity for comment, shall issue regulations to implement subsection (a) within 18 months after the date of enactment of this Act. In issuing such regulations, the Secretary shall establish tolerances for the contaminants that the Secretary determines are most likely to be found in fish or fish products and which are most likely to cause fish products to be unsafe for human consumption. Regulations for other contaminants shall be issued by the Secretary on a timely basis.

(2) A tolerance established under this section shall be based on—

(A) A scientific analysis of the health risks attributable to the contaminant for which the tolerance is established; and

(B) the recommendations of the National Academy of Sciences, to the extent practicable.

(3) The Secretary shall, in a timely manner, issue revisions ot the regulations under paragraph (1) which take into account new information. The Secretary may contract with the National Academy of Sciences to provide such other data or assistance as the Secretary determines necessary.

(c) REPORT.—The Secretary shall report to the Congress on the progress of the Secretary in establishing tolerances under this section. The report shall include a description of the research that has been conducted with respect to such tolerances and the research which must be conducted before additional tolerances may be established, the health significance of the lack of such additional tolerances, a timetable for the establishment of such tolerances, and the estimated costs, including costs of research, associated with the establishment of such tolerances. The report shall be transmitted on or about the end of the 18th month after the date of enactment of this Act, and biennially thereafter during the 6-year period that begins on such date of enactment.

(d) ADDED SUBSTANCE DEFINED.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following new subsection:

"(bb) The term 'added substance' means a substance that is not an inherent constituent of a food and whose intended use results, or may reasonably be expected to result, directly or indirectly, in its becoming a component of, or otherwise affecting the characteristics of, any food. Such term includes (1) a substance that is intentionally added to any food and (2) a substance that is the result of environmental, agricultural, industrial, or other contamination.".

SEC. 104. MONITORING OF GROWING AREAS AND FISHING GROUNDS.

(a) MONITORING SYSTEM.—Within 24 months after the date of enactment of this Act, the Secretary of Commerce shall, for waters

under Federal jurisdiction seaward of the inner boundary of the exclusive economic zone, classify and monitor shellfish growing areas under section 102(a) and identify and monitor fish growing areas and fishing grounds from which significant quantities of fish (other than shellfish) are harvested. The purpose of such system shall be to monitor (through the collection of samples and other scientific information) potential hazards that are likely to render fish products from such areas and grounds unsafe for human consumption.

(b) FEDERAL CLOSURE AND RESTRICTION.—(1) For the purpose of protecting human health, the Secretary of Commerce shall prohibit or otherwise impose conditions on the harvesting of species of fish in a specific area of waters under Federal jurisdiction seaward of the inner boundary of the exclusive economic zone, if the Secretary determines, based on sampling or other scientific information, that—

(A) fish of that species harvested from such specific area are likely to be in violation of tolerances established under section 103; or

(B) fish products, derived in whole or in part from fish of that species harvested from such specific area, are likely to be deemed to be adulterated under section 402(a) (1) or (2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a) (1) or (2)).

(2) Any action taken under this subsection—

(A) shall be promulgated in the Federal Register with immediate effect, together with the reasons therefor and a request for public comments; and

(B) shall remain in effect only as long as the Secretary determines that the circumstances that led to the action still exist.

(c) CLOSING OF STATE WATERS TO HARVESTING OF FISH.—(1) The Secretary and the Secretary of Commerce shall develop guidelines to assist States in establishing procedures for closing waters under State jurisdiction.

(2) If the Secretary determines that a species of fish harvested in an area of State waters is likely to be unsafe for human consumption, the Secretary shall, expeditiously and in writing, request the Governor of such State to close or otherwise restrict such area with respect to the harvesting of that species of fish until the circumstances which led to the request no longer exist. At the time such a request is made, the Secretary shall notify the Secretary of Commerce and, if the species is a species of shellfish or other bivalve mollusk, the Chairman of the Conference.

(3)(A) Subject to subparagraph (B), if a reasonable time, not to exceed 10 days, has passed after a request is made under paragraph (2) and the State has not taken the requested action within that time, and if the Secretary finds that a significant risk of adverse health consequences exists—

(i) the Secretary shall request the Secretary of Commerce to close the affected area of State waters to the harvesting of the species involved; and

(ii) the Secretary of Commerce shall immediately implement such closure, which shall remain in effect until the Secretary finds that such risk no longer exists.

(B) A finding under subparagraph (A) that a significant risk of adverse health consequences exists with respect to a species of shellfish or other bivalve mollusk may be made only after the Secretary has consulted with the Chairman of the Conference.

(d) DEFINITION.—As used in this section, the term "exclusive economic zone" has the meaning given that term in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801(6)).

SEC. 105. PROCESSING AND HANDLING.

(a) PROCESSING STANDARDS.—The Secretary in cooperation with the Secretary of Commerce shall, within 24 months after the date of enactment of this Act, prescribe by regulation such health-based and other appropriate standards, for facilities engaged in the processing of fish products other than shellfish, that the Secretary determines are necessary in accordance with section 101(a)(2). The standards shall—

(1) contain requirements for the operation and maintenance of such facilities, including all applicable sanitation and good manufacturing practices;

(2) establish procedures for the handling, storage, and transportation of fish products, including all applicable standards established by the Secretary of Commerce for vessels;

(3) require training in fish product sanitation and quality control as appropriate for employees of such facilities;

(4) not require the freezing or cooking of fish products that are intended for raw consumption unless the Secretary determines that such freezing or cooking is the only practical procedure available that will adequately prevent such fish products from being deemed unsafe for human consumption under section 4 of this Act, or adulterated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(5) consider the specialized operating requirements of vessels used to process fish products at sea.

(b) SEAFOOD SAFETY ON FISHING AND FISH TENDER VESSELS.—(1) If after completion of the comprehensive analysis under section 101(a)(2) and after notice and opportunity for comment the Secretary of Commerce determines that particular seafood safety standards for vessels are needed to ensure that specific fish products meet the requirements of this Act, the Secretary of Commerce in consultation with the Secretary shall issue regulations or guidelines establishing necessary standards for the handling, storage, or transportation of such specific fish products on fishing vessels or fish tender vessels.

(2) Standards may be prescribed under this subsection only to the extent necessary, and only if no practicable alternative exists, to prevent specific fish products from being deemed unsafe for human consumption under section 4.

(3) In developing the standards described under paragraph (1), the Secretary of Commerce shall—

(A) consider what measures are necessary to ensure that such fish products are safe for human consumption;

(B) consider the geographic location where affected vessels will operate, the history of health safety problems associated with fish and fish products in those geographic locations, and the degree to which such standards will improve the safety of such fish products;

(C) consult with the Commercial Fishing Industry Vessel Advisory Committee established under section 4508 of title 46, United States Code, or any successor committee, as well as individuals in the affected fisheries, to ensure that such standards do not adversely affect the safe operation of affected fishing vessels or fish tender vessels;

(D) consider the specialized nature and economics of fishing and fish tender operations and the character, design, and construction of fishing vessels and fish tender vessels in affected fisheries;

(E) ensure that any standards prescribed under this subsection cause the least disruption to the normal operation of fishing vessels and fish tender vessels affected by such standards; and

(F) whenever possible, avoid requiring modification, replacement, or addition of equipment on such vessels.

(4) With respect to regulations issued under this subsection, the Secretary of Commerce shall allow a reasonable amount of time for fishing and fish tender vessel owners affected by such regulations to complete any necessary modifications to their vessels before such regulations take effect.

(5) Enforcement of regulations issued under this subsection shall be carried out by officers and employees duly designated by the Secretary of Commerce, who shall have the same powers in carrying out such enforcement as are provided to officers authorized to enforce the provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 106. SEAFOOD INSPECTION SYSTEM.

(a) ROLES OF SECRETARY AND SECRETARY OF COMMERCE.—Within 30 months after the date of enactment of this Act, the Secretary shall in cooperation with the Secretary of Commerce establish and administer a comprehensive and efficient inspection system for fish products sold in interstate commerce. The Secretary shall provide general oversight under which the Secretary of Commerce shall routinely inspect processing facilities. The Secretary shall assure the effective operation of this inspection system through verification and other activities as the Secretary considers necessary.

(b) NATURE OF INSPECTIONS.—(1) The inspection system shall provide for unannounced inspections of facilities in which fish products are processed to determine if fish products are unsafe for human consumption under section 4 of this Act or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq). Inspections shall include sampling of fish products.

(2) Inspections shall be conducted with such frequency and in such manner as the Secretary in consultation with the Secretary of Commerce may provide by regulation, taking into account such factors as the Secretary considers appropriate, including—

(A) the potential of the operations to affect human health, based on the probability that fish products are susceptible to becoming unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(B) the history of compliance with this Act and other health and safety laws; and

(C) such other factors as the Secretary may determine appropriate.

(3) Domestic facilities in which imported fish products are processed shall be inspected at least at the same rate as other domestic facilities in which fish products are processed.

(c) CONDUCT OF INSPECTIONS.—(1) An inspection under subsection (a) of any facility engaged in the processing of fish products shall extend to all things therein (including records required to be maintained under section 108(e), processes, controls, and the premises) that bear on whether fish products are in compliance with this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Access to records may include the copying of such records.

(2) In conducting inspections under subsection (a), officers or employees duly designated by the Secretary of Commerce, upon presenting appropriate credentials and a

written notice to the owner, operator, or agent in charge, are authorized—

(A) to enter at reasonable times any facility in which persons are engaged in the processing of fish products, or to enter any vehicle being used to transport or hold such fish products; and

(B) to inspect in a reasonable manner such facility or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein.

(3) Upon completion of inspection and prior to leaving the premises, the officer or employee making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed which indicate that any fish product in such facility is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(d) PRODUCT DETENTION AND CONDEMNATION.—(1) If during an inspection conducted under this section an officer or employee making the inspection has reason to believe that a fish product is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), such officer or employee may order the fish product segregated, impounded, and if objection is not made within 48 hours, condemned. If objection is made, such fish products that are in perishable form may be processed to the extent necessary to prevent spoilage, and a hearing shall be commenced expeditiously.

(2) If the Secretary determines that such fish product can, by relabeling or other action, be brought into compliance with this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and regulations issued thereunder, final determination by the Secretary as to the condemnation of such fish product may be deferred pending the performance by the owner of such fish product, within a time specified by the Secretary, of such relabeling or other action as the Secretary may authorize. Entry of the fish products into interstate commerce shall be permitted if, after such action is performed, the Secretary determines that the fish product has been brought into compliance with this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and regulations issued thereunder.

(3)(A) Except as provided in subparagraph (B), no fresh fish product may be segregated and impounded for more than 48 hours and no other fish product may be segregated and impounded for more than 10 days.

(B) While a hearing under paragraph (1) or judicial review is pending with respect to fish products segregated and impounded under this subsection, the presiding officer of the hearing or an appropriate court may authorize segregation and impoundment to continue beyond the time limitations specified in subparagraph (A).

(4) Any fish product condemned without objection, or after hearing and judicial review, shall be destroyed.

(e) OFFICIAL MARK.—The Secretary, in consultation with the Secretary of Commerce, shall prescribe by regulation the conditions under which any fish product shall display an official mark that signifies that the fish product has been processed in accordance with standards and procedures established under this Act.

(f) OTHER INSPECTION RIGHTS AND DUTIES.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following new subsection:

"(f) The rights and duties under this section of duly designated officers and employees and of other persons shall apply to enforcement of the Consumer Seafood Safety Act of 1992 to the same extent and in the same manner as they apply to the enforcement of this Act.".

SEC. 107. SAMPLING OF FISH PRODUCTS.

(a) SAMPLING.—(1) The Secretary, in cooperation with the Secretary of Commerce and the Secretary of Agriculture, shall provide for the collection of samples of fish products under the inspection systems established under sections 106 and 110. Such sampling shall be conducted in a reasonable manner in order to determine if fish products are unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) CONTAMINANT TESTING PROCEDURES.—In developing procedures to test samples of fish products for contaminants and poisonous or deleterious substances, the Secretary shall, to the extent practicable, make full use of the existing Federal analytical capability with respect to such tests, including that of the Department of Agriculture.

(c) DETERMINATION OF VIOLATIVE HARVESTING AREAS.—If as a result of sampling conducted under this section the Secretary determines that fish of a particular species harvested from a specific area are likely to be in violation of tolerances established under section 103 of this Act, or adulterated under section 402(a) (1) or (2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a) (1) or (2)), the Secretary shall communicate that determination to the Secretary of Commerce and, in accordance with section 104, to any State with jurisdiction over such areas.

SEC. 108. REGISTRATION OF PROCESSORS AND IMPORTERS.

(a) IN GENERAL.—Any person who owns or operates a facility engaged in processing of fish products and any person who imports fish products shall register with the Secretary. Application for registration shall be made to the Secretary using such forms and containing such information as the Secretary, in consultation with the Secretary of Commerce and the Secretary of Agriculture, shall prescribe by regulation within 24 months after the date of enactment of this Act. Upon receipt and review of a completed application, the Secretary shall issue to the applicant a certificate of registration unless good cause is shown why such application should be denied. The Secretary shall promptly notify any applicant of such denial, include a written explanation of the reasons for such denial, and provide an opportunity for a hearing upon request.

(b) SUSPENSION OF REGISTRATION.—(1) The registration of a person may be suspended immediately by the Secretary for—

(A) failure to permit access for inspection under this Act; or

(B) violation of this Act or regulations issued under this Act, if the Secretary determines that such suspension is necessary to prevent a significant risk of adverse health consequences.

(2) Any registration suspended under paragraph (1) may be reinstated whenever the Secretary determines that suspension is no longer necessary.

(c) ASSIGNMENT OF REGISTRATION NUMBERS.—The Secretary may assign a registration number (or numbers) to any person registered in accordance with this section.

(d) EXEMPTION AUTHORITY.—The Secretary may by regulation exempt classes of facilities from the requirements of subsection (a) if the Secretary determines that registration of persons owning or operating such facilities is not needed for the effective enforcement of this Act.

(e) MAINTENANCE OF RECORDS.—Each person registered under this section shall maintain (for a reasonable period of time as prescribed by the Secretary, but not to exceed 2 years unless otherwise directed by the Secretary for good cause) such records as the Secretary in consultation with the Secretary of Commerce and the Secretary of Agriculture may prescribe by regulation. The records may include information concerning—

(1) the origin, receipt, delivery, sale, movement, and disposition of fish products; and

(2) matters reasonably related to whether fish products may be unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 109. STATE AND FEDERAL CORPORATION.

(a) IN GENERAL.—The Secretary and the Secretary of Commerce shall work with the States in undertaking activities and programs that contribute to the national seafood safety program so that State and Federal programs function in a coordinated and cost effective manner. With the assistance provided in subsection (b), the Secretary and the Secretary of Commerce shall encourage States to—

(1) continue, strengthen, or establish State seafood safety programs;

(2) establish compatible procedures and requirements for ensuring that fish products are not unsafe for human consumption;

(3) implement uniform seafood safety-related systems for classifying, monitoring, and regulating fish growing areas and fishing grounds under State jurisdiction;

(4) advise consumers and noncommercial users regarding recommended levels of consumption of fish products (including game fish) from lakes, rivers, and coastal areas throughout each State; and

(5) incorporate seafood safety considerations into decisions involving conservation and management of fish and living marine resources, including planning for the siting of pollution control and aquaculture facilities and the regulation of fishing activities.

(b) ASSISTANCE.—(1) The Secretary in consultation with the Secretary of Commerce may provide to a State, for planning, developing, and implementing a seafood safety program—

(A) advisory assistance;

(B) technical and laboratory assistance and training (including necessary materials and equipment); and

(C) financial and other aid.

(2) The Secretary or the Secretary of Commerce may provide financial and personnel assistance to support the conference.

(c) SERVICE AGREEMENTS.—The Secretary or the Secretary of Commerce, as appropriate, may, under agreements entered into with Federal, State, or local agencies, use on a reimbursable basis or otherwise the personnel, services, and facilities of such agencies in carrying out their responsibilities under this Act. Such an agreement shall provide that any compliance records, notices, or reports issued in connection with activities under the agreement and in the possession of the agency or government which entered into the agreement shall be made available in accordance with section 552 of title 5,

United States Code. Agreements with a State under this subsection may provide for training of State employees. The Secretary shall pay for or reimburse the State for the expenses of such training and for the actual cost of activities performed by a State employee at the request of the Secretary.

(d) STATE INSPECTION AND REGISTRATION SYSTEMS.—(1) At any time after establishment of the Federal seafood inspection system under section 106, the Governor of any State may submit to the Secretary a full and complete plan of operation for the seafood inspection program the State administers or proposes to establish and administer under State law. In addition, such State shall submit a statement from the attorney general (or appropriate legal officer) that the laws of such State provide authority and capacity to carry out a program which is at least equal in effectiveness to the program established under this Act.

(2) A State plan of operation submitted under paragraph (1) shall—

(A) provide an overview of State activities related to the safety of seafood, including shellfish;

(B) describe the manner in which the State administers or proposes to administer inspection, sampling, and registration systems consistent with this Act;

(C) evaluate staffing, equipment, and other requirements for implementation of the State program;

(D) estimate projected costs to the State of administering the program; and

(E) provide for regular reports to the Secretary regarding State activities under the program.

(3) Not later than 120 days after the submission of a plan of operation, the Secretary shall approve such plan for a period of no more than 3 years unless the Secretary in consultation with the Secretary of Commerce determines that the State submitting the plan does not have at least equal authority or capacity to—

(A) ensure that fish products under the jurisdiction of such State are not unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(B) abate violations of the State program, including civil and criminal penalties and other ways and means of enforcement.

(4) If the Secretary in consultation with the Secretary of Commerce approves a State program under paragraph (3), the Secretary shall designate those portions of the State program which shall be implemented and enforced under such approved State program in lieu of portions of the Federal program.

(5) The Secretary in cooperation with the Secretary of Commerce shall monitor the effectiveness of each approved State program to ensure that the program is at least equal in effectiveness to the program established under this Act. If the Secretary determines that a State with an approved program has failed to maintain or is not operating a program that is at least equal in effectiveness to the program established under this Act, the Secretary shall promptly notify the Governor of the State of such determination and provide an opportunity for the State to correct any deficiencies identified in such notification. If after notice and opportunity for appropriate corrective action the State program does not meet the requirements of this section, the Secretary shall withdraw approval of the State program.

(6) Notwithstanding paragraph (4), the Secretary may enforce the Federal program in a State having a program approved under paragraph (3) if—

(A) the State requests enforcement assistance; or

(B) the Secretary finds that a significant risk of adverse health consequences exists and that such enforcement is necessary to address such risk.

Enforcement by the Secretary under this paragraph shall be discontinued no later than 6 months after its commencement. If after 6 months the Secretary determines that the significant risk of adverse health consequences still exists, the Secretary shall implement procedures to withdraw approval for such State program or portions thereof under paragraph (5).

(7) The Secretary may annually grant to each State with a program approved under paragraph (3) an amount not to exceed 60 percent of the cost of operating the program. Amounts granted under this paragraph shall be distributed among the States in a fair and equitable manner, in accordance with criteria established by the Secretary by regulation. The Secretary may withhold Federal assistance under this paragraph if the Secretary determines that the State program has failed to meet the requirements of this section. Such withheld assistance shall be paid subsequently upon a determination that any deficiencies have been corrected.

SEC. 110. IMPORTS.

(a) ROLES OF SECRETARY AND SECRETARY OF AGRICULTURE.—Within 30 months after the date of enactment of this Act, the Secretary shall in cooperation with the Secretary of Agriculture and the Secretary of the Treasury establish and administer a comprehensive and efficient system to ensure the safety of seafood imported into the United States. The Secretary shall provide general oversight under which the Secretary of Agriculture shall routinely inspect processing facilities in exporting nations and imports at ports of entry into the United States. The Secretary shall assure the effective operation through verification and other activities as the Secretary considers necessary.

(b) IMPORT REQUIREMENTS.—(1) No fish product may be entered, or withdrawn from warehouse, for consumption in the United States if such fish product—

(A) is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food Drug and Cosmetic Act (21 U.S.C. 301 et seq.);

(B) is not marked or labelled as required by regulations for imported articles; or

(C) does not comply with the requirements of this section.

(2) Upon entry for consumption in the United States, fish products that are not prohibited from entry or withdrawal from warehouse under paragraph (1) shall be deemed to be and treated as domestic fish products, except that all labeling of such fish products shall identify country of origin.

(c) INSPECTION OF IMPORTS.—(1) fish products that are offered for importation or entered, or withdrawn from warehouse, for consumption in the United States, shall be subject to examinations, inspections, sampling, and such other procedures at the port of entry or in the exporting nation by officers or employees duly designated by the Secretary of Agriculture. Such procedures shall be conducted with such frequency and in such manner as the Secretary in consultation with the Secretary of Agriculture may prescribe by regulation.

(2) Fish products from a nation that is certified for such fish products under subsection (f)(3) shall be subject to random examinations, inspections, sampling, and other procedures. Fish products from a nation that is not certified for such fish products under subsection (f)(3) shall be subject to such intensified examinations, inspections, sampling, and other verification procedures as the Secretary in consultation with the Secretary of Agriculture determines are necessary to ensure compliance with this Act; except that no shellfish may be entered, or withdrawn from warehouse, for consumption in the United States from a nation not certified for shellfish under subsection (f)(3).

(d) CONDUCT OF INSPECTIONS.—(1) An inspection under this section of any importing facility at a port of entry into the United States shall extend to all things therein (including records required to be maintained under section 108(e), processes, controls, and the premises) that bear on whether fish products are in compliance with this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Access to records may include the copying of such records.

(2) In conducting such inspections, officers or employees duly designated by the Secretary of Agriculture, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(A) to enter at reasonable times any facility in which persons are engaged in the importing of fish products, or to enter any vehicle being used to transport or hold such fish products; and

(B) to inspect in a reasonable manner such importing facility or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein.

(3) Upon completion of inspection and prior to leaving the premises, the officer or employee making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed which indicate that any fish product in such facility is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(e) DETENTION OF IMPORTED FISH PRODUCT.—If during an inspection or other verification procedure carried out under this section an officer or employee conducting the procedure has reason to believe that a fish product is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), such officer or employee may order the fish product segregated, impounded, and if objection is not made within 48 hours, condemned. If objection is made, such fish products that are in perishable form may be processed to the extent necessary to prevent spoilage, and a hearing shall be commenced expeditiously. The final condemnation or other disposition of such fish product shall be subject to the provisions of section 106(d)(2), (3), and (4).

(f) AGREEMENTS WITH FOREIGN NATIONS.—(1) The Secretary in consultation with the Secretary of Agriculture may enter into an agreement with any nation desiring to export fish products to the United States. Prior to concluding such an agreement, the Secretary in cooperation with the Secretary of Agriculture shall evaluate the seafood safety program of the foreign nation to determine if such program is at least equal in effectiveness, with respect to fish products intended for export to the United States, to the seafood safety program established under this Act. In such evaluation, the Secretary shall consider—

(A) the potential for health, sanitary, and environmental conditions within the foreign nation to adversely affect the safety of fish products exported from such nation; and

(B) how well the seafood safety program of the foreign nation functions to minimize any adverse effects on such safety.

(2) Any agreement under this subsection with a nation desiring to export fish products to the United States shall—

(A) require that the exporting nation shall—

(i) establish and maintain a seafood safety system that is adequate to ensure that the fish products intended for export to the United States are not unsafe for human consumption under section 4 of this Act, and not adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(ii) promptly notify the Secretary of any violations of harvest restrictions or growing area closures affecting the safety of fish products exported or intended for export to the United States; and

(B) provide for such activities (whether in the exporting nation or at the port of entry during importation) by the Secretary of Agriculture, including examinations, inspections, sampling, and testing, at such stages in the growth or harvest of fish, or in the processing or handling of fish products, as the Secretary considers appropriate to ensure that the seafood safety program of the exporting nation with respect to fish products intended for export to the United States continues to be at least equal in effectiveness to the program established under this Act;

(C) provide for reciprocity with respect to the treatment of seafood imports and exports between the United States and the exporting nation; and

(D) in the case of a nation desiring to export shellfish, require such nation to establish and maintain a system for classifying, monitoring, and closing shellfish growing areas and for certifying shellfish shippers as being in compliance with the exporting nations shellfish safety program, and promptly to notify the Secretary of any shellfish shipper whose certification is revoked by the exporting nation.

(3) If the Secretary determines that a nation desiring to export fish products to the United States has a program that is at least equal in effectiveness (with respect to fish products intended for export to the United States) to the program established by this Act, the Secretary shall, upon entry into force of an agreement under subsection (a), certify the types of fish products for which the nation maintains such a program.

(4)(A) The Secretary shall periodically or for good cause, and not less than once every 3 years, review certifications made under paragraph (3), and shall revoke the certification of any nation that the Secretary determines is not maintaining a seafood safety program that is at least equal in effectiveness to the program established under this Act.

(B) The Secretary in cooperation with the Secretary of Agriculture shall review and modify, as needed, an agreement made under paragraph (1) with any nation whose certification has been revoked under subparagraph (A) of this paragraph.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated, to carry out this Act, not to exceed $60,000,000 for fiscal year 1993 and $70,000,000 for fiscal year 1994.

(b) ASSISTANCE TO STATES.—Of the funds authorized to be appropriated under subsection (a), there are authorized to be appropriated not to exceed $12,000,000 for fiscal year 1993 and $15,000,000 for fiscal year 1994, for carrying out State program assistance activities under section 109.

(c) RESEARCH PROGRAM AUTHORIZATION.—Of the funds authorized to be appropriated under subsection (a), there are authorized to be appropriated not to exceed $14,000,000 for each of fiscal years 1993 and 1994, for carrying out the research program authorized by section 203.

TITLE II—RESEARCH AND EDUCATION

SEC. 201. PUBLIC HEALTH ASSESSMENT SYSTEM.

(a) COOPERATION WITH CENTERS FOR DISEASE CONTROL.—The Secretary shall work, through the Centers for Disease Control, to include seafood in an active surveillance system, based on a representative proportion of the population of the United States, and to assess more accurately the frequency and sources of human disease in the United States associated with the consumption of seafood.

(b) PUBLIC HEALTH SAMPLING.—(1) Within 12 months after the date of enactment of this Act, the Secretary in cooperation with the Secretary of Agriculture shall establish guidelines for a sampling system under which the Secretary of Agriculture shall take and analyze samples of fish products (except that samples shall not be taken by the Secretary of Agriculture at facilities subject to inspection under sections 106 or 109 of this Act) to assist the Secretary in carrying out this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and to more accurately assess the nature, frequency of occurrence, and amounts of contaminants in fish products.

(2) Such sampling system shall provide—

(A) for the use of the Secretary and the Secretary of Commerce, statistical monitoring, including market basket studies, on the nature, frequency of occurrence, and amounts of contaminants in fish products available to consumers; and

(B) at the request of the Secretary, such other information, including analysis of samples taken by the Secretary, the Secretary of Commerce, or State programs approved under section 109, as the Secretary determines may be useful in assessing the occurrence of contaminants in fish products.

(3) The Secretary of Agriculture shall promptly notify the Secretary whenever samples of fish products analyzed under this subsection contain contaminants that exceed tolerances, standards, or action levels established under this Act or other applicable law.

(c) ASSESSMENT OF HEALTH HAZARDS.—Through the surveillance system referred to in subsection (a) and the sampling system described in subsection (b), the Secretary shall, among other things, assess health hazards associated with—

(1) fish products that are commercially harvested and processed, as compared with the health hazards associated with fish products which are harvested for recreational or subsistence purposes and prepared noncommercially;

(2) fish products that are domestically harvested and processed, as compared with the health hazards associated with fish products that are harvested or processed outside the United States; and

(3) contamination originating from certain practices that occur both prior to and after sale of fish products to consumers, including contamination resulting from the manner in which consumers handle and prepare the fish products they purchase.

SEC. 202. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Secretary, in cooperation with the National Sea Grant College Program, cooperative extension services, and appropriate State entities, shall design and implement a national public education program on seafood. The program shall provide—

(1) information to the public regarding Federal standards and good practice requirements and promotion of public awareness, understanding, and acceptance of such standards and requirements;

(2) advice to individuals involved in recreational and subsistence fisheries concerning the health hazards associated with the fish they may harvest and the precautions they should take to safeguard themselves and others from those hazards;

(3) information to health professionals so that they may improve diagnosis and treatment of seafood-related illness and advise individuals whose health conditions place them in particular risk; and

(4) such other information or advice to consumers and other persons as the two Secretaries determine will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Secretary, in consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning seafood safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

SEC. 203. RESEARCH.

(a) IN GENERAL.—The Secretary and the Secretary of Commerce may conduct research to assist the implementation of this Act, including studies to—

(1) improve sanitation and seafood safety practices in the processing of fish products;

(2) develop improved techniques for the monitoring of fish and inspection of fish products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in fish and fish products;

(4) determine the sources of contamination of fish and fish products with contaminants; and

(5) develop consumption data with respect to fish products.

(b) RESEARCH ON GROWING AND HARVESTING AREAS.—The Secretary of Commerce, in cooperation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish and administer a 5-year research program to improve existing systems for monitoring and classifying fish growing areas and fishing grounds. Such program shall at a minimum provide for—

(1) development of analytical techniques to detect and characterize biotoxins and other contaminants that occur in fish growing areas and fishing grounds;

(2) an evaluation of the relationship between such biotoxins and contaminants and potential health hazards associated with human consumption of fish products from such fish growing areas and fishing grounds;

(3) an environmental assessment of the occurrence of such biotoxins and other contaminants, including the relationship between such occurrence and the presence of marine phenomena such as algal blooms;

(4) development of the ability to understand, monitor, and track the temporal and spatial distribution of such phenomena and to predict their onset and duration; and

(5) recommendations for improving the capabilities of Federal and State agencies to effectively monitor and classify shellfish growing areas, and identify and monitor fish growing areas and fishing grounds, to ensure the safety of seafood intended for human consumption.

(c) CONTRACT AUTHORITY.—The Secretary and Secretary of Commerce are authorized to enter into contracts and agreements with any State, university, or other person to carry out their respective activities under this section.

TITLE III—SEAFOOD SAFETY ENFORCEMENT

SEC. 301. WHISTLEBLOWER PROTECTION.

(a) PROHIBITION OF DISCHARGE FOR COMPLAINTS.—No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because such employee (or any person acting pursuant to a request of the employee) has filed any complaint or caused to be instituted any proceeding relating to a violation of this Act or of any regulation issued under this Act, or has testified or is about to testify in any such proceeding.

(b) WORK REFUSAL.—(1) No person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions, or privileges of employment for refusing to perform the employee's duties when performing such duties would result in a substantial and specific violation of this Act or any regulation issued under this Act, or a substantial and specific danger to the public from fish products which are unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). In order to qualify for protection under this subsection, the employee must have sought from his or her employer, and have been unable to obtain, correction of the circumstances causing such refusal.

(2) An employee is not protected under this subsection if an inspector is present in the establishment. In those instances, the employee is protected for immediate notification to the inspector of the alleged illegal or dangerous activity.

(3) This subsection shall not create any right of refusal to work. An employee is only protected for refusing to obey an order whose implementation would constitute a violation of law or a substantial and specific danger to the public, the employee, or other workers.

(c) EMPLOYEE RIGHTS.—(1) Any employee who believes he or she has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file (or cause to be filed by any person on the employee's behalf) a complaint with the Secretary of Labor alleging such discharge, discipline, or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint of the filing of the complaint.

(2) The legal burdens of proof that prevail under section 1221(e) of title 5, United States Code, shall govern adjudication of protected disclosures under this Act.

(3)(A) Within 60 days of receipt of a complaint filed under paragraph (1), the Secretary of labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and shall notify the complainant and the person alleged to have committed a violation of this section of the findings resulting from the investigation. Where the Secretary of Labor concludes that there is reasonable cause to believe that a violation has occurred, the Secretary of Labor shall accompany the findings with a preliminary order providing the relief prescribed by subparagraph (B). Thereafter, the person alleged to have committed the violation and the complainant may each, within 30 days after notification, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. The Secretary of Labor shall issue a final order within 120 days after the conclusion of such hearing. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) If in response to a complaint filed under paragraph (1) the Secretary of Labor determines that violation of subsection (a) or (b) has occurred, the Secretary of Labor shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position (taking into account any seasonal nature of such position) together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, and (iii) compensatory damages. If such an order is issued, the Secretary of Labor, at the request of the complainant may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) JUDICIAL REVIEW.—(1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued allegedly occurred, or the circuit in which such person resided on the date of such violation. The petition for review must be filed within 60 days after the issuance of the order of the Secretary of Labor. Such review shall be in accordance with the provisions of chapter 7 of title 5, United States Code, and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceedings.

(e) CIVIL ACTION.—Whenever a person has failed to comply with a final order issued under subsection (c)(3), the Secretary of Labor shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, reinstatement, and compensatory damages.

SEC. 302. RECALL.

(a) RECALL REQUIREMENT.—The Secretary may require any person who owns or operates a facility engaged in the processing of fish products or in the importing of fish products to recall any fish product if the Secretary finds that there is a reasonable probability that such fish product is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) VOLUNTARY RECALL.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of Agriculture, shall prescribe by regulation the circumstances and manner under which a voluntarily initiated recall of fish products by a person who owns or operates a facility engaged in the processing of fish products or in the importing of fish products shall be promptly reported to the Secretary.

SEC. 303. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITED ACTS.—No person shall—

(1) sell, transport, offer for sale or transportation, receive for transportation, or otherwise dispose of, in interstate commerce any fish product that is unsafe for human consumption at the time of such sale, transport, offer, receipt, or other disposition;

(2) commit, with respect to any fish or fish product and while such fish product is being transported in interstate commerce or held for sale after such transportation, any act that is intended to cause or has the effect of causing such fish products to be unsafe for human consumption;

(3) engage in the processing or importing of fish products without being registered as required under section 108;

(4) refuse to permit entry to or inspection of any facility by any person carrying out inspection activities under this Act, or otherwise interfere with any such inspection or person;

(5) create or maintain records that are false either by content or omission, or destroy records containing information required under this Act or any regulations issued under this Act, or refuse access by a duly designated Federal officer or employee to records required under this Act or any regulations issued under this Act;

(6) engage in the handling, processing, or importing of fish products in violations of this Act or any regulations issued thereunder;

(7) label any fish product with a mark that is not authorized under this Act and that indicates compliance with any Federal safety standard applicable to fish or fish products;

(8) sell, transport, offer for sale or transportation, receive for transportation, or otherwise dispose of, in interstate commerce any fish product that is not handled, processed, labeled, or imported in accordance with the requirements of this Act or any regulations issued thereunder;

(9) fail to comply with any recall under section 302(a) or to report a voluntary recall under section 302(b); or

(10) use to such person's advantage or reveal, other than to a duly designated Federal officer or employee, or to a court when relevant in a judicial proceeding under this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), any information acquired under this Act concerning any method or process which as a trade secret is entitled to protection.

(b) PENALTIES.—(1) Any person who violates this Act or any regulations issued

thereunder shall be liable to the United States for a civil penalty in an amount not to exceed $10,000. Each day of a continuing violation shall constitute a separate offense. A civil penalty under this paragraph shall be assessed by the Secretary of Commerce in the case of violations arising under section 105(b), and by the Secretary in the case of violations arising under other provisions of this Act, by an order made on the record after opportunity for a hearing provided in accordance with this paragraph and section 554 of title 5, United States Code. Before issuing such an order, such Secretary shall give written notice to the person to be assessed a civil penalty under such order of such Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In determining the amount of a civil penalty, such Secretary shall take into account the nature, circumstances, extent, and gravity of the violation of violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. Such Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be assessed under this paragraph. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(2) If a person commits a violation described in paragraph (1) with the intent to defraud or mislead, such person shall be imprisoned for not more than 2 years or fined in accordance with title, United States Code, or both.

(3) If a person is convicted under paragraph (2) of a violation, and is subject to a civil penalty for such violation or is subject to a related condemnation action under section 106 or 110, the identity of such person involved in the violation and the aggregate of any penalty imposed shall be published in accordance with section 705 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 375) on the last business day of the quarter in which the violation was committed.

SEC. 304. SUBPOENAS.

For the purposes of any investigation conducted pursuant to this Act, the Secretary, the Secretary of Commerce, or the Secretary of Agriculture, as appropriate, may issue subpoenas requiring the attendance and testimony of witnesses and the production of any documentation or other evidence that relates to any matter under investigation or in dispute before such Secretary and to administer oaths of affirmations.

SUMMARY OF THE CONSUMER SEAFOOD SAFETY ACT

The bill calls for a comprehensive national seafood safety program under the direction of the Secretary of Health and Human Services and in cooperation with the Secretary of Commerce, the Secretary of Agriculture and the states. As under current law, the Secretary of Health and Human Services, through the Food and Drug Administration (FDA), would be in charge of the program, maintaining the FDA's existing public health authority over the safety of both domestic and imported seafood. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), would regulate harvesting areas and conduct routine inspections of domestic processors. The Secretary of Agriculture, through the Food Safety and Inspection Service (FSIS), would inspect processors overseas, as well as imports at the port of entry. State governments would continue to have primary responsibility for shellfish programs and regulating state waters.

Elements of the programs would include:

1. Shellfish safety. FDA would administer a comprehensive federal-state shellfish safety program based on the existing National Shellfish Sanitation Program. Each shellfish-producing state would be expected to develop and implement a Federally approved program for classifying and monitoring shellfish growing waters, testing shellfish, and certifying shellfish shippers. Shellfish imports would be permitted only from nations with FDA-certified programs.

2. Federal tolerance and standards. FDA would be required to establish and implement tolerance for maximum allowable levels of chemical and biological contaminants in seafood. In addition, the bill would authorize standards for processing and handling seafood based on the Hazard Analysis Critical Control Point (HACCP) approach.

3. National inspection system. FDA and NOAA jointly would develop a domestic seafood inspection system to minimize public health hazards and enforce Federal seafood standards. NOAA would conduct inspections at a frequency required by the gravity of potential problems associated with each seafood commodity and the processor's history of compliance. The bill would require all processing facilities to participate and register with FDA. "Whistleblower" protection would be provided for employees who identify potential seafood safety problems.

4. Imported fish products. FDA and FSIS jointly would develop a program to ensure the safety of imported seafood. Seafood importers would be required to register and would be held to the same requirements as domestic producers. FDA would be responsible for evaluating foreign programs and developing inspection agreements with other nations. FSIS would conduct inspections overseas and at the port of entry.

5. Monitoring of growing and harvesting areas. NOAA would establish a monitoring program to identify the growing and harvesting locations in which contaminated fish are likely to be caught. In addition, NOAA would have authority to close federal waters, while states would close their harvesting waters pursuant to Federal guidelines.

6. State inspection and monitoring programs. The bill recognizes that federal-state cooperation is necessary to implement an effective national program and provides for technical and financial assistance to states to strengthen their programs. Inspection authority would be delegated to states that meet national requirements, and grants of up to 60 percent of the cost of operating the program would be provided by the federal government. Similar grants would be available to states with approved shellfish programs.

7. Public information and consumer education systems. The bill would set up: (a) a system to assess seafood safety problems through surveillance by the Centers for Disease Control and sampling by FSIS; (b) a national education program under FDA, Sea Grant, cooperative extension services and the states; and (c) a seafood advisory system for consumers and fishermen under FDA, NOAA, the states and the Environmental Protection Agency.

8. Research. The bill requires FDA and NOAA to develop a comprehensive research plan to address seafood safety questions. In addition, it calls for an intensive research effort to improve monitoring programs for seafood contamination caused by biotoxins and algal blooms.

9. Authorization of appropriations. The bill provides for an initial appropriation of $60 million in FY 1993, and an increase to $70 million in FY 1994. Current appropriation levels for seafood safety are about $45 million. The funding authorized in the bill would cover the expected cost of the shellfish program, standard setting, monitoring of harvesting and growing areas, the Federal share of approved state programs, and research and education costs.

Mr. STEVENS. Mr. President, I am pleased to join Senators HOLLINGS, KENNEDY, LEAHY, and MITCHELL in introducing legislation to establish a National Seafood Safety Inspection Program. This bill represents a good compromise between the competing viewpoints that were debated extensively when the Senate considered seafood inspection legislation 2 years ago.

The Federal Food and Drug Administration [FDA] would be the lead agency responsible for implementing the National Seafood Safety Program established by this bill. FDA would establish the tolerances limiting the quantity of contaminants in seafood to levels that are not injurious to human health.

Working jointly with the National Marine Fisheries Service in the Department of Commerce, the FDA would also establish regulations for the processing and handling of seafood products based on the hazard analysis critical control point system. This system, commonly called HASCIP, is very similar to the system currently used in my State to ensure that seafood from Alaska is consistently safe and of the highest quality.

The National Marine Fisheries Service would be responsible for conducting routine inspections of domestic facilities that handle seafood and for monitoring the safety of fish growing and harvesting areas. If fish from a particular area are found to be contaminated, then the Secretary of Commerce is responsible for closing those areas to fishing if they are under Federal jurisdiction, and working with a State to close the area if the problem area is within State waters.

The Department of Agriculture, working under FDA's guidance, would be responsible for the inspection of all seafood imports. In addition, the Department of Agriculture would also be responsible for inspecting overseas processing plants under this legislation.

I am pleased with this compromise, Mr. President, because it recognizes the existing seafood inspection efforts of the FDA and the National Marine Fisheries Service, and also makes use of the Department of Agriculture's extensive personnel resources and overseas presence. By building upon the existing expertise and resources of each of these agencies, this bill will help to address consumer concerns about the

safety of seafood in the United States without reinventing the wheel.

And let me just say for the record, Mr. President, that many of the recent press stories which imply that American seafood is unsafe are inaccurate and misleading. The State of Alaska, which accounts for over half the fish caught in the United States, currently works closely with the FDA to implement a highly successful seafood inspection program. Last year the State of Alaska issued seafood processing permits to 711 facilities and conducted over 1,600 plant inspections. Some facilities are inspected monthly, while others are inspected quarterly.

Since 1982 there have been no cases reported to the Alaska Department of Environmental Conservation where contaminated seafood has reached the market. In fact, the program is so rigorous that a zero tolerance program was put in place in the aftermath of the *Exxon Valdez* spill to ensure that oil tainted fish did not reach consumers. If even one fish in a lot was bad, the whole lot was destroyed.

In a just-completed joint inspection of seafood plants in Alaska, the FDA and the State inspected 343 plants. Of those, none had violations requiring further regulatory action, and less than 1 percent had violations that were even considered objectionable by the FDA. Nationwide, the picture is similar. Of 3,481 seafood plants recently inspected by FDA, less than 3 percent had violations requiring further action by the Government.

More recently, the Alaska Seafood Inspection Program conducted an extensive investigation into the risk of PCB contamination in Alaskan fish. This was done in response to the recent inaccurate article in Consumer Reports. While the final data are not yet available, the preliminary results show that there is no risk from PCB contamination in Alaska's wild fish.

A good friend of mine, Dr. William Castelli of Massachusetts, who incidentally is the director of the ongoing Framingham heart study, was just here at the Senate yesterday speaking about the health benefits of seafood. Dr. Castelli related an interesting point that I would urge all of you to consider—a medical study of Japanese fishermen, who eat at least a pound of fish a day, showed that they live an average of 5 to 7 years longer than we do. If eating fish were bad for you because of the risk of contaminants, then why are these risks not showing up in a population that eats far more fish than we do? The answer is that the risk is minimal. The benefits of eating fish on a daily basis far outweigh the risks.

I would also point out, Mr. President, that a significant percentage of the fish consumed in Japan comes from the waters off my State. Over 90 percent of the surimi imported into Japan comes from Alaska, as does over two-thirds of Japan's salmon imports.

To my knowledge there are no contamination risks in Alaska's wild fish. To the extent that there is a serious contamination risk, it comes from areas that do not have the kind of pristine water that we have off Alaska—areas threatened by agricultural runoff or by lack of water flow, like the restricted growing area used for farm-raised fish. Or it comes from imports, where sanitation practices are not of the same caliber that they are here in the United States.

In short, Mr. President, the risk to the public from contaminated seafood is low. Certainly it is lower than for beef and poultry. Data from the Centers for Disease Control show chicken to have a risk of salmonella which is 8 times greater than for fish, while beef and other meats have a risk of salmonella which is 15 times greater than fish. This bill is a measured response to that risk. Once implemented, it will guarantee that Americans can continue to increase their consumption of fish with confidence that their health is protected.

This bill is a good start. It is my understanding that the Commerce Committee will soon hold a hearing on this legislation, and I look forward to working with my colleagues to enact this seafood inspection legislation this year.

Mr. LEAHY. Mr. President, I want to thank four of my distinguished colleagues regarding the Consumer Seafood Safety Act. It is a privilege to join with Senators HOLLINGS, STEVENS, KENNEDY, and MITCHELL in this effort. I want to recognize the honorable majority leader, Senator MICTHELL, for bringing all parties involved in the introduction of this landmark fish safety bill together. Indeed this was no small task accomplished.

Senators HOLLINGS, KENNEDY, and STEVENS also deserve a great deal of credit. I look forward to working with them, and other Members, on this important consumer issue. The bill unites the chairmen of three key committees of the Senate, and the majority leader, on this critical issue. Senator STEVENS, who stands with us, has long been a leader in this area and I appreciate this assistance and the assistance of his staff.

These four Senators and their staffs spend endless hours on this bill and their work has indeed made the introduction of the Consumer Seafood Safety Act a reality.

In recent months, the evening news has been filled with stories raising questions about the safety of our food. The recent national Academy of Science report on seafood safety devoted over 150 pages to chemical contaminants in fish, such as mercury, lead, cadmium, PCB's, dioxin, and pesticides. Consumers are scared.

Currently, less than 20 percent of American seafood is examined. Only a small percent of the almost 4,000 seafood processors, including wholesale plants, participate in these voluntary inspection programs.

Food safety is not just a media issue. American consumers are concerned and worried. We have one of the safest food supplies in the world but we can make the best better.

This is particularly important now that more and more health-conscious Americans are choosing fish. This is why fish consumption was at an all time high in 1987. And it's fallen since 1988, in part due to consumer concerns.

While mandatory Federal inspection cannot completely eliminate all contaminants from the marketplace, it will make our seafood safer and reduce the risk of illness to consumers.

No longer will consumers have to guess whether or not the fish they eat is safe. For the first time, they will be able to buy seafood that passes the safety test.

The Consumer Seafood Safety Act relies on the expertise of three Federal agencies: Food and Drug Administration [FDA]; U.S. Department of Agriculture [USDA]; and the National Oceanic and Atmospheric Administration [NOAA] of the Commerce Department. By building on the strength of each agency, the act directs each agency to do what it does best. The Federal Government, in partnership with States, should work together to assure the safety of seafood.

The Consumer Seafood Safety Act also provides a key role for the States by permitting them to establish their own inspection programs. To ensure consumer confidence nationwide, State programs must meet the minimum national standards established in the act.

This legislation has strong consumer and industry support because it combines protecting consumers and safeguarding our domestic fish industry.

Mr. KENNEDY. Mr. President, it is a privilege to join Senators HOLLINGS, STEVENS, LEAHY, and MITCHELL in sponsoring the Consumer Seafood Safety Act. This legislation proposes a mandatory, federally funded fish inspection program that will safeguard the interests of fishermen, processors, retailers, and consumers.

In recent years, Americans have been steadily increasing their consumption of fish, which is one of the healthiest sources of low-fat protein. Over the last decade, consumption of fish products has increased almost 25 percent. However, potential health hazards caused by chemical and microbiological contamination have heightened concerns about the safety of seafood products.

While the overall quality of these products remains high, it is vital that we provide the public with a clear guarantee of the safety of those products. An inspection program will also help fishermen and processors by re-

solving continuing concerns about seafood safety that threaten to undercut the industry.

Currently, a patchwork of State and Federal programs now attempts to monitor the safety of fish, and this patchwork is clearly not the best way to protect the public health. The inspection program in this legislation acknowledges the unique public health issues associated with fish products and ensures food safety while establishing equitable standards for the fishing industry.

To the maximum extent possible, this bill will build on existing capabilities in the Food and Drug Administration, the Department of Commerce, and the Department of Agriculture. The legislation instructs the Secretary of Health and Human Services, through the FDA, to establish and implement tolerances for maximum allowable levels of chemical and biological contaminants in fish products. The legislation also instructs the Secretary of Health and Human Services, in cooperation with the Secretaries of Commerce and Agriculture, to develop inspection systems for both domestic and imported fish and seafood products.

The FDA will have oversight and enforcement responsibilities for the inspection systems for both domestic and imported fish products. This oversight is critical if the FDA is to maintain its current public health responsibilities.

The legislation also recognizes the vital role played by the States in assuring the safety of fish products, by providing technical and financial assistance to States to strengthen their inspection and monitoring programs. Inspection authority could be delegated to States that meet Federal standards and requirements. Grants to the States could cover up to 60 percent of the cost of operating the programs. In addition, each shellfish-producing State would be expected to develop a federally approved program for monitoring shellfish waters, certifying shellfish shippers, and testing shellfish.

The legislation also includes an important innovation in assessing food safety—the hazard analysis critical control point method. This scientifically based approach recognizes the unique nature of the fishing industry, and the diversity of fish processing facilities, by identifying those points during processing which are most critical to maintaining safe fish products.

Unlike traditional inspection procedures, this inspection method does not rely on the continuous presence of Federal inspectors to assure that adulterated or contaminated products are kept off the market. Therefore, it is essential that employees involved in processing operations be free to report violations of law, without fear of losing their jobs or being disciplined unfairly. It is equally important that no employee be required, under the threat of discipline or discharge, to participate in activities that would create a threat to the public health.

The inspection method required by the bill means that private employees, in effect, are deputized to act as Federal inspectors during those periods when no inspector is actually present in a facility. For this reason, it is essential that these employees receive the full protections extended to Federal inspectors under the Federal Employee Whistleblower Protection Act of 1989. Our proposed legislation guarantees those protections for employees who blow the whistle on health or safety violations.

The legislation proposed today by Senator HOLLINGS represents an extraordinary bipartisan effort by the majority leader and members of the Commerce, Labor, and Agriculture Committees. This legislation will fill a serious loophole in our food safety laws. Consumers deserve to have the highest confidence in fish products from U.S. waters. This important legislation is needed to assure that confidence, and I look forward to its passage by the Senate.

Mr. COHEN. Mr. President, I strongly support the Consumer Seafood Safety Act of 1992. I believe it represents a balanced approach to establishing a mandatory seafood inspection program.

The need for a mandatory seafood inspection program is clear. Seafood consumption is no longer limited to coastal and shoreside communities. It has become a main plate item, like beef, pork, and poultry, with more and more Americans enjoying seafood each year. Unlike meat and poultry, however, seafood is not required to be inspected under Federal law. The result of this anomaly has been a growing consumer apprehension regarding the safety of seafood products.

When American consumers see hospital waste washing up on beaches or oil spills blanketing stretches of shoreline, they understandably start to wonder whether food from the sea is safe to eat. Recent articles in several newspapers and magazines as well as televised news accounts have highlighted some of these problems.

Consumers become more apprehensive about seafood when they learn that, unlike meat and poultry products, seafood is not subject to mandatory Federal inspection.

While careful studies by the Center for Disease Control in Atlanta and by the National Academy of Sciences show that the problems associated with seafoods are primarily limited to a few types of products, a comprehensive inspection program would assure all consumers that whatever seafood product they purchase is wholesome.

The legislation we are introducing today is the result of several years of intense study and negotiations between the fishing industry, consumer groups, other food industry groups, and State and Federal Government agencies. Every participant is this process has added constructively to produce a bill that enjoys broad support and offers the best hope ever for establishing an inspection program.

There have been many attempts in Congress over the past two decades to establish a mandatory seafood inspection program. In fact, in the 101st Congress the Senate and the House each passed a mandatory program. Unfortunately, these bills were incompatible and a compromise was not possible at that time. I am very pleased that the bill we are introducing today enjoys wide support in the Senate. This offers great promise that a Federal mandatory inspection program will finally become a reality.

The inspection program provided for in this bill would draw upon the expertise of three Federal agencies. The Department of Health and Human Services [HHS] would take the lead in establishing the program, in cooperation with the Secretary of Commerce, the Secretary of Agriculture, and the States. HHS, through the Food and Drug Administration [FDA], would oversee the program. The Commerce Department, through the National Oceanic and Atmospheric Administration [NOAA] would monitor harvesting areas and conduct routine inspections of domestic processors. The Department of Agriculture would inspect processors overseas, as well as imports at the point of entry.

The program will employ an inspection methodology, known as hazard analysis critical control points [HACCP]. This means that, unlike meat and poultry inspection programs which are continuous, seafood inspection will focus only on those points where the greatest threats to food safety exist. To continuously inspect seafood would simply be too costly and too cumbersome because, while meat and poultry are processed at centralized locations, seafood is processed at thousands of different locations throughout the country. HACCP principles were developed by the National Academy of Science and will ensure a safe and wholesome supply of seafood.

The inspection program will be Government-supported. Seafood inspection, like meat and poultry inspection, is a public health issue. The Government currently supports meat and poultry inspection programs. It would simply be intolerable to require the seafood industry to pay for seafood inspection while other programs are Government-supported.

Finally, imported seafood will be held to the same inspection standards as domestically harvested products. It is critical that domestic and imported seafood be treated the same in order to insure the safety of seafood products.

The time for a mandatory seafood inspection program is now. There is un-

precedented support for this bill. The benefits of this legislation will reach far beyond the fishing community. It will serve every American consumer by assuring a safe and wholesome supply of seafood. The proposed inspection program will restore consumer confidence without subjecting the fishing industry to unworkable and unreasonable regulations.

Finally, I want to commend my friend and colleague from Maine, Senator MITCHELL, as well as Senator STEVENS, Senator HOLLINGS, Senator LEAHY, Senator KENNEDY, and Senator KERRY for their commitment to this issue. This legislation represents several years of hard work which I am confident will prove worthwhile through its passage.

Mr. MITCHELL. Mr. President, I am today pleased to join in introducing legislation to establish a comprehensive and mandatory Federal fish inspection program.

This bill is an important step forward for American consumers and American commercial fishermen. It represents a compromise and a coming together within the Senate. It also is a clear signal to both the administration and the House of Representatives of our intention and desire to work together on a bipartisan basis to enact into law a program that for too long has been "the fish that got away."

I greatly appreciate the leadership and cooperation of Senator HOLLINGS, chairman of the Commerce Committee; Senator LEAHY, chairman of the Agriculture Committee; and Senator KENNEDY, chairman of the Labor Committee, who have worked with me in seeking this bill.

I also acknowledge the important leadership of Senator STEVENS and Senator COHEN, who traditionally have shared my concern for the commercial fishing industry. In 1989, Senator STEVENS worked especially closely with Senator COHEN and myself in formulating a legislative strategy that led to the enactment of legislation that was important to New England lobstermen, the so-called Mitchell bill. Senator STEVENS support was instrumental in securing the President's signature for enactment of that bill. It is my sincere hope that his powers of persuasion will be equally effective in this current effort.

In working together in 1989 on the lobster provisions of a broader fisheries bill, Senator STEVENS and I recognized that the east and west coast fishing industries must often "stand or fall together." That principle is equally applicable to the fish-inspection issue.

Whether it is in the Gulf of Maine or the Gulf of Alaska, American fishermen face common challenges. The waters of both regions are relatively very clean. We are confident of the wholesomeness of Maine and Alaska seafood. However, an oil spill in Prince William Sound can send tremors that register in Casco Bay—and throughout our seafood industries.

For too long, there has been a credibility gap in the Federal Government's food safety net. Fish are the only major food entree that are not subject to a comprehensive, mandatory inspection program. At the same time, fish's competitors, meat and poultry, are subject to such a program, operated and paid for by the Federal Government.

That is not fair to American fishermen. And it is not fair to American consumers.

Whatever affects the quality of seafood, and whatever affects the confidence of American consumers in the marketplace, ultimately affects the livelihoods of all American fishermen.

Maine seafood especially has a reputation for freshness, quality, and wholesomeness. But the livelihoods of Maine fishermen often are affected by concerns over which they have no control.

In 1970, the Senate first passed a fish inspection bill, of which Senator KENNEDY was a principal author. That bill died in the House of Representatives. In 1990, during the 101st Congress, the Senate passed a second bill authored by Senator LEAHY and myself. Just before the 101st Congress adjourned, the House of Representatives passed a substitute bill that included some features of a bill offered by Senators HOLLINGS and STEVENS, which the Senate had considered but rejected. Time ran out before the provisions of the Senate and House bills could be reconciled.

The 1990 debate was made more difficult by the opposition of the administration—and by conflicts similar to those which killed the 1970 legislation, which have less to do with the circumstances of the seafood industry than with other policy agendas. Those conflicts have resulted in over a 20-year gap in the Federal Government's consumer protection programs. The only result has been unfairness to American consumers and American fishermen.

The legislation which we are introducing today incorporates approaches offered in both Senate bills from the 1990 debate—and moves significantly toward the positions of both the House of Representatives and the administration. It represents a spirit of compromise that I hope will be reciprocated so that we can proceed to enact into law a program that is long overdue.

The bill includes several key features:

It establishes the Food and Drug Administration [FDA] as the lead agency for the Federal program, while relying also on the Department of Agriculture and the Department of Commerce in the conduct of inspections.

It establishes a division of labor that can rely on the strengths of each agency—and will ensure equal coverage of both domestic and imported products. FDA will set standards. The Department of Commerce's National Marine Fisheries Service will conduct domestic inspection. And the Department of Agriculture will inspect imports and under agreements with foreign nations inspect foreign processing facilities.

It reflects the principle of hazardous analysis critical control point [HACCP] methodology, recommended by the National Academy of Sciences and pioneered under NMFS's model seafood surveillance project [MSSP]. Inspections will be based on reasonable risk assessments.

It recognizes the necessity of Federal-State cooperation. Federal authority will be delegated to State programs meeting national requirements, with up to 60 percent of operating costs to be provided by the Federal Government. It also will build on the interstate shellfish sanitation conference [ISSC], and address concerns for shellfish as a priority.

The Department of Commerce will have the authority to establish standards for fishing vessels either as regulations or voluntary guidelines—but only to the extent that they are necessary, represent the only practicable alternative, and cause the least disruption to fishing operations.

The bill similarly recognizes the unique characteristics of the fishing industry and provides for less than continuous inspection. At the same time, public health concerns will be safeguarded by whistleblower protections.

Fish inspection is a complex issue. It will require close consideration of many technical issues as the legislative process unfolds.

The bill we are introducing is comprehensive and detailed. Its essential compromise on agency jurisdictions represents a basic structural foundation. But it is only a starting point.

We invite the comments and cooperation of all interested parties as work on the bill continues. There are many difficult issues which still will need to be addressed. Our hope is to achieve reasonable, balanced, and fair legislation. That may require additional, difficult compromises. I welcome the participation of all parties and ask for the same open-minded flexibility that the sponsors of this legislation have demonstrated. After 20 years, the time for such legislation is overdue.

I am grateful for the encouragement of the National Fisheries Institute and Public Voice for Food and Health Policy, and the leaders of Maine's fishing industry: including the Maine Sardine Council, the Maine Fishermen's Cooperative Association, the Maine Lobstermen's Association, and the Maine Aquaculture Association. Their cooperation and patience has been important in allowing us the opportunity to achieve a basic compromise. It is an

important first step. There are many additional steps to be taken before this legislation can be enacted into law. I welcome their participation as the process continues.

By Mr. MOYNIHAN:

S. 2539. A bill to authorize the construction of the William B. Hoyt II Visitor Center at Mount Morris Dam in Mount Morris, NY; to the Committee on Environment and Public Works.

WILLIAM B. HOYT II VISITOR CENTER

• Mr. MOYNIHAN. Mr. President, last week I rose to mourn the passing of Assemblyman William B. Hoyt II of Buffalo, NY, an extraordinary man of extraordinary political abilities. I spoke then of a project we worked closely on together to protect a section of the Genesee River Gorge in Letchworth State Park.

The U.S. Army Corps of Engineers' Buffalo District owns and operates the Mount Morris Dam in the Letchworth Gorge. For several years the corps has planned to develop a visitors reception center at the dam. There will be wildlife exhibits, self-guided nature trails, scenic overlooks of the gorge and dam, interpretive panels explaining the geology of the area, and tours of the dam.

With this in mind I rise to offer a bill which will designate this structure as the "William B. Hoyt Visitors Center" and provide sufficient sums to see that the project is completed. There are presently no corps visitor centers in the Buffalo district. The Hoyt family believes this will be a fitting memorial to Bill. My good friend and colleague in the House of Representatives, HENRY NOWAK, will introduce companion legislation.

Congressman NOWAK and I know that the good people of Buffalo are also developing plans to honor Bill Hoyt's memory. We do not want to distract them in their efforts. Assemblyman Hoyt's contributions to the people of the State of New York and to local government were many, and this is but the Congress' way of showing its appreciation. The visitors center will provide a place to learn about and enjoy the magnificent surroundings to which Bill Hoyt dedicated such a good part of his life to preserving.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point and that it be appropriately referred.

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

S. 2539

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

SECTION 1. MOUNT MORRIS VISITOR CENTER.

(a) IN GENERAL.—

(1) CONSTRUCTION OF VISITOR CENTER.—The Secretary of the Army is authorized and directed to construct a visitor center at Mount Morris Dam in Mount Morris, New York. Such visitor center shall be known as the "William B. Hoyt Visitor Center".

(2) CONDITIONS OF CONSTRUCTION.—The William B. Hoyt Visitor Center shall be constructed—

(A) at full Federal expense; and

(B) in accordance with the alternative designated as "Alternative 2" in the interpretive development prospectus for the visitor reception area prepared by the Buffalo district of the Army Corps of Engineers and dated February 22, 1991.

(3) REFERENCES IN OTHER LAW.—Any law, regulation, document, or record of the United States in which such visitor center is referenced shall refer to the visitor center as the "William B. Hoyt Visitor Center".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Army, to remain available until expended such sums as may be necessary to carry out this section.•

By Mr. COATS (for himself, Mr. COCHRAN, Mr. GORTON, Mr. LUGAR, and Mr. SMITH):

S. 2540. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses and other qualified expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

INDIVIDUAL MEDICAL SAVINGS ACCOUNTS

• Mr. COATS. Mr. President, I rise today with the support of Senators COCHRAN, GORTON, LUGAR, and SMITH to introduce S. 2540, a simple and fresh approach that offers a new way to deliver health care in the United States of America. Through the use of individual health savings accounts, S. 2540 offers a way to contain health care costs and widen access through individual responsibility.

Mr. President, today it is becoming strikingly clear that the delivery of health care in the United States of America needs to be reformed. The status quo is unacceptable. I am convinced the real dividing line in this debate is whether Government control of health care is the answer or whether solutions are to be found in the choices of the private sector. One road to reform offers less regulation and more competition. Unfortunately, many of the other choices before us offer the road of increased regulation and more competition. Unfortunately, many of the other choices before us offer the road of increased regulation and government involvement—a direction we should not travel.

Healthsave would function similar to an individual retirement account by allowing individuals to save tax free for incidental medical expenses. Health care insurance would be used for its fundamental purpose—large medical expenses. Under Healthsave, the employer would be encouraged—not mandated—to purchase an umbrella policy for large medical bills to cover the costs of catastrophic events. Healthsave would then allow an employer to provide each worker an allowance for medical care—up to $3,000 which would be adjusted to inflation. With the $3,000, an employee could purchase additional coverage and have resources to cover deductibles.

Any money left unspent would belong to the employee. Unlike section 125 of the Internal Revenue Code, the employee would not be forced to use it or lose it. Instead, money not used for health care could accrue tax free in the health savings account, similar to an IRA, and be used for future medical expenses, long term care, or retirement.

Let me put this in human terms. Recently, a Indiana resident explained she had $1,200 deducted from her salary and transferred to her flexible spending account [FSA] for both her and her family's medical expenses.

When her husband needed additional medical treatment, the cost was $3,000. Thus, within the first 3 months of 1992, all the money in her flexible spending account is gone, her $600 deductible has been met, and health coverage for the rest of the year will come out of her pocket or another insurance policy.

This Hoosier resident also mentioned that 1 year ago, she could have left several hundred dollars in her FSA. However, instead of being able to apply it to this year's expenses, the current IRS Code forced her to spend all this money by the end of the year—or see it revert back to the employer.

Clearly a change is needed. Healthsave allows money unused over the course of a 1 year to remain in an IRA for use in meeting future medical needs. For people like this Hoosier constituent, this means keeping money left over at the end of the year for future medical needs.

Another example is a woman from Indianapolis who called a local hospital to find out the cost of a mammogram. When told the cost would be $250, she asked if the hospital ever offered specials—and was told that during Mother's Day week, the price dropped to $50. If Healthsave were in effect, this kind of competitiveness would increase—and the quality and cost savings available to health care consumers would increase accordingly. Healthsave would enable this constituent to choose her own doctor, make her own health decision, and would provide financial incentives for a healthier lifestyle.

Mr. President, as I close I would be remiss if I do not mention a core element behind our health care problems today. We are paying a high price for our social and behavioral attitudes, our personal lifestyle decisions. These must be changed if we are to truly contain and reduce our Nation's health care costs.

First, at 13.8 per 100,000, the male homicide rate in the United States is more than 12 times that of Germany and 5 times that of Canada. In America, we pay over $4 billion in health care costs for gunshot wounds.

Second, more than 25 percent of our Nation's 10,000 to 15,000 spinal cord injuries each year are a result of violent assaults. The lifetime cost of quadriplegia treatment and rehabilitation for these patients is estimated at $600,000 per patient.

Third, two out of three deaths in the United States can be linked to tobacco use, alcohol use and abuse, high blood pressure, overeating, accidental injury, and lack of preventive care.

Fourth, over 100,000 AIDS cases and 200,000 reported cases of the HIV infection have taken place in our country. The cause of most of these cases have been traced to drug abuse and unsafe sex. In 1989, the United States incidence of AIDS was more than three times that of Canada and six times that of West Germany. The estimated lifetime costs of treatment for these patients in the United States is nearly $85,000 per patient.

Last, our Nation is paying a high price for the birth of babies born addicted to drugs—crack babies. There are currently close to 375,000 drug exposed babies in the United States. The treatment for each child is $63,000 for just the first 5 years. This is a negligible problem for our neighbor to the north—Canada.

These statistics show us, Mr. President, that some of the reasons for the exceedingly high rise in health care costs are rooted in social problems—problems of character. While Healthsave offers a way to strengthen individual responsibility, I am convinced no legislative solution provides a silver bullet. When these deeper social problems are addressed—if they are addressed—only then will true health care costs decline. This will take place in families that transmit values, churches that raise a moral standard, and changes in the hearts and minds of the American people. The answer to our current dilemma will be found more in our hearts, values, and priorities, rather than our heads. As Daniel Callahan, the director of the Hastings Center stated so eloquently:

> This Nation's health care problems won't be solved by efficiency, HMO's, technology, cost controls, laws, competition, or national health insurance. We must change our values, habits and desires since these are the real forces driving our Nation's increasing health care bill.

Mr. President, we must become wiser in the way we live and the way we purchase health care. We must begin to be more honest, begin to be more realistic, and begin to have the courage to face the real causes of the health care cost dilemma. To accomplish this goal, we need to accept personal responsibility for choices that determine our health and realize that health services do not naturally ensure good health.

Healthsave is tailored to provide the incentives to make health care more affordable and accessible, without heavyhanded Government controls. Healthsave offers a chance to prevent intrusive, inefficient Government regulation that tries to micromanage the delivery of medicine.

The economics are quite simple, as University of Delaware professor, Laurence S. Seidman notes:

> No sector can remain free of Government microregulation if its product is free to most consumers. When a product is free—when there is no consumer cost sharing—demand escalates, cost escalates, and Government must come in to try to get the sector under control. Such micromanagement has already begun for Medicare patients. Like a disease, it will gradually spread to all patients.

In sum, Mr. President, I encourage health care reform that would enable people to choose their own doctors, make their own health care decisions, and give them financial incentives for a healthier lifestyle. I advocate a road to reform that leads to less regulation and less Government involvement, health care reform that leads away from the red tape jungle of Washington, DC. As we renew our efforts to form a national health care strategy, I ask each member of this body to give S. 2540, Healthsave, their strong consideration.•

• Mr. LUGAR. Mr. President, I rise today to speak in support of a bill being offered by my junior colleague from Indiana, Senator COATS. Senator COATS' proposal provides for the establishment of tax free individual medical savings accounts for employees. This measure offers employees incentives to engage in a healthier lifestyle, to refrain from unnecessary medical treatment, and to shop for medical care based on quality and cost.

We are fortunate in the United States to have the best medical care in the world. Our physicians, our hospitals, our medical technology, and our pharmaceutical drugs are second to none. However, while 85 percent of Americans have health coverage of some type, there are still those who lack adequate access to our health care system. This issue must be addressed in any reform effort we undertake.

We are also paying for the best medical care in the world. Part of the reason for the rise in medical care spending is that there is little incentive for individual policyholders to keep costs down. By making employees financially responsible for their health care decisions, the Coats proposal encourages employees to treat their medical spending the same way they treat spending for any other consumer good, such as the purchase of groceries, a car, or a home.

Currently, employers pay an average of $4,500 in insurance premiums to cover an employee and his or her family. Under this proposal an employer would be allowed to give each employee an annual allowance of $3,000. This $3,000 would be used by the employee and family for routine health care, such as checkups, flu shots, and so forth. This allowance would go into an employee account—a sort of medical IRA. Any funds unexpended by year's end would roll over into the account for the next year, and could be withdrawn by the employee for nonmedical purposes with a tax penalty assessed. The employer would also provide an umbrella group plan for catastrophic coverage.

Current law does not allow employers to offer such a program. Now, health care costs are only tax deductible if the money is spent by the employer. Mr. President, I support the medical IRA approach because it puts the responsibility for routine health care where it belongs, with the individual. I think we will reap enormous benefits from such a shift in thinking, both in a greater emphasis on prevention and in lowered costs and enhanced access and quality within the system.

I commend my colleague from Indiana for the foresight he has shown in endorsing such an approach, and I will work with him to see that this proposal gets a fair hearing as the health care debate continues.•

• Mr. SMITH. Mr. President, I rise today to express my support for the Healthsave plan introduced by my good friend from Indiana, Senator COATS. I have signed on as an original cosponsor to this legislation because I believe that it is a responsible and well thought out response to the skyrocketing health care costs our Nation is currently facing.

In 1980, the United States spent about $250 billion, or 9 percent of the gross national product, on health care. In 1990, we spent over $660 billion, almost 12 percent of our gross national product, on health care. These costs continue to rise at an alarming rate.

Several of my colleagues have suggested that the time has come to institute a single-payer system such as the one employed by the Canadians. Such a nationalized plan, they say, would allow the Federal Government to set expenditure targets and eliminate overhead costs in order to hold costs down. I disagree with this notion. Aside from the attendant drawbacks of nationalized care, such as long waiting lists for routine surgery, unfilled beds, rationed care, and strangling red tape, Canada's health care delivery system suffers from a rate of inflation that exceeds our own. If Canada, with a population a tenth of our own, cannot hold down costs after over 20 years of experience with a nationalized system, we certainly cannot.

I believe that the main reason why our current system and the Canadian system fails to rein in runaway health spending is that both remove the consumer from the decisionmaking process. When the tab for health care is picked up by a third party, the Government in Canada, and employers or Med-

icare and Medicaid for the great majority of Americans, the consumer has no incentive to keep his or her own health costs in check. For most Americans, there is no financial reward for staying healthy, seeking preventative care, and shopping around for the best care available at the lowest prices.

To put this in perspective, compare health insurance with automobile insurance. If I drive recklessly, get several speeding tickets, and cause an accident or two, my irresponsible behavior will be greeted by a higher car insurance premium. It is to my financial advantage to drive carefully, avoid speeding, and wear my seatbelt. If someone else were paying for my insurance, however, I might not have the same incentive. The same is true of health insurance; with another party bearing the responsibility for any costs, individuals have no incentive to keep themselves from incurring expensive health care bills.

That is what Healthsave is all about: Responsibility. It places the responsibility of health care costs where it should be: On the consumer. With a medical IRA, the consumer, not a third party, will have to make decisions that will have a direct financial impact on themselves. Individuals who lead healthy lifestyles and seek routine preventative care will be rewarded with accruing balances in their IRA, which can be used to defray future medical costs or long-term care expenses. By working to hold down their personal health costs, individuals will help our country hold down our overall health costs.

In addition, Healthsave will also unleash market forces onto the health care delivery system. Today's system encourages providers to bill for as many services as possible. With millions of individual consumers shopping around for quality care at low prices, providers will have to find ways to cut overhead costs and provide care in an efficient manner.

Our Nation's health care system is ill, Mr. President, not dead as some of my colleagues maintain. The answer is not to ship it off to the morgue and replace it with a whole new plan, but to give it a dose of good old-fashioned competition and individual responsibility. The result will be a system that maintains the strengths currently enjoyed by Americans, such as quality and choice, while providing the access and the lower costs that Americans demand. I urge all my colleagues to lend their support to this innovative Healthsave plan.●

By Mr. DURENBERGER:

S. 2542. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figures; to the Committee on Finance.

DUTY ON CERTAIN ACCESSORIES AND FIGURINES

Mr. DURENBERGER. Mr. President, today I am introducing legislation to suspend until January 1, 1995, the duty imposed on internally lighted porcelain or ceramic miniature buildings and structures which are designed and sold primarily for display during the Christmas holiday season. This duty suspension would be applicable, but not limited to, cottages, houses, and churches and associated porcelain or ceramic miniature figures depicting people, animals or other objects.

There is no American producer of Christmas houses comparable to these articles; no American will lose his or her job or be otherwise adversely affected by this legislation. Yet, those that will benefit will be the many American consumers who buy the porcelain or ceramic Christmas pieces each year. Plus, more than 100 employees of the company that designs and imports the Christmas house will benefit from steady growth through expanded sales.

Mr. President, this legislation is very specific. It will not let into the United States every ceramic or porcelain product made abroad; it will not create a huge hole in our tariff system. Only those articles that are miniatures of buildings, lighted, and intended for display during the Christmas holiday season will be eligible for duty-free treatment under this bill.

The primary designer and distributor of these products is a constituent of mine, Department 56, located in Eden Prairie, MN. This small, but growing company pays a significant duty on the porcelain and ceramic Christmas houses it brings into the United States. Because of an arbitrary Customs Service decision, however, the amount of duty the company must pay, for a product which is only commercially produced outside the United States—will go up.

Let me make one thing very clear, Mr. President, the Christmas houses imported by Department 56 are festive and seasonal in nature. The Department 56 Christmas houses are primarily designed for and advertised as products to be displayed during the Christmas holiday season. The collections which Department 56 sells have Christmastime themes, such as the North Pole collection and Alpine Village. The Christmas houses are seldom, if ever, used year-round by the consumer. Instead, they are like Christmas ornaments or nativity scenes; they are taken out each Christmas, set on a table or mantle and admired. Then, once the season is over, the houses are packed away, not to be seen, until the next Christmas. In a very real sense, Department 56's Christmas houses can be considered secular nativity scenes.

Thus, Mr. President, believing that the consumer and the American designer and importer will be benefited and no American job adversely affected, I introduce this legislation and urge its favorable consideration by my colleagues.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 25

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 447

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 761

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 761, a bill to reduce hazardous pollution.

S. 810

At the request of Mr. HARKIN, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 810, a bill to improve counseling services for elementary school children.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1100, a bill to authorize the Sec-

retary 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. 1372

At the request of Mr. GORE, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1423

At the request of Mr. DODD, the name of the Senator from Montana [Mr. BAUCUS] 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. 1451

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1557

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1557, a bill to improve the implementation and enforcement of the Federal cleanup program.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Louisiana [Mr. BREAUX], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1627

At the request of Mr. FORD, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1627, a bill to amend section 615 of title 38, United States Code, to require the Secretary of Veterans Affairs to permit persons who receive care at medical facilities of the Department of Veterans Affairs to have access to and to consume tobacco products.

S. 1650

At the request of Mr. KERRY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1650, a bill to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes.

S. 1830

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1830, a bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes.

S. 1862

At the request of Mr. GRAHAM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1862, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] 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. 2085

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2085, a bill entitled the Federal-State Pesticide Regulation Partnership.

S. 2100

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2100, a bill to amend the Internal Revenue Code of 1986 to encourage the development of renewable energy and the conservation of energy, and for other purposes.

S. 2202

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2202, a bill to amend the Internal Revenue Code of 1986 to provide that farm land adjoining a principal residence qualifies for the one-time exclusion of gain from sale of such residence.

S. 2205

At the request of Mr. LEAHY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2205, a bill to amend the Public Health Service Act to provide for the establishment or support by States of registeries regarding cancer, to provide for a study regarding the elevated rate of mortality for breast cancer in certain States, and for other purposes.

S. 2206

At the request of Mr. KASTEN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2206, a bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to expand the social security exemption for election officials and election workers employed by State and local governments.

S. 2211

At the request of Mr. NICKLES, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2211, a bill to amend the Internal Revenue Code of 1986 to eliminate tax penalties that apply to oil and gas investments, and for other purposes.

S. 2247

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2247, a bill to amend the Department of Housing and Urban Development Act to prohibit the Secretary of Housing and Urban Development from making lump sum relocation assistance payments, except under certain circumstances.

S. 2322

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. MACK] 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 names of the Senator from South Dakota [Mr. DASCHLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. COHEN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2328

At the request of Mr. BROWN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from New Hampshire [Mr. SMITH], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians.

S. 2384

At the request of Mr. COATS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2384, a bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside of the State, and for other purposes.

S. 2487

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr.

AKAKA] was added as a cosponsor of S. 2487, a bill to provide for the regulation of imports of fresh cut flowers by measures in addition to existing duties.

S. 2511

At the request of Mrs. KASSEBAUM, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 2511, a bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment Act of 1977.

S. 2514

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 2518

At the request of Mr. DODD, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2518, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 2520

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2520, a bill to support efforts to promote democracy in Haiti.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor 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 231

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. HATCH] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 241

At the request of Mr. SPECTER, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 241, designating October 1992 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Vermont [Mr. LEAHY] 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 248

At the request of Mr. CONRAD, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Rhode Island [Mr. PELL], the Senator from Texas [Mr. BENTSEN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the names of the Senator from Montana [Mr. BURNS], the Senator from Alabama [Mr. HEFLIN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week of April 26–May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Virginia [Mr. WARNER], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from North Carolina [Mr. SANFORD], the Senator from Michigan [Mr. RIEGLE], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 279

At the request of Mr. BIDEN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 279, a joint resolution designating April 14, 1992, as "Education and Sharing Day, U.S.A."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. SEYMOUR, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. KERRY, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Oklahoma [Mr. BOREN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

SENATE RESOLUTION 236

At the request of Mr. ADAMS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Resolution 236, a resolution expressing the sense of the Senate that the President rescind Department of Defense Directive 1332.14, section H.1, which bans gay, lesbian, and bisexual Americans from serving in the Armed Forces of the United States.

SENATE RESOLUTION 246

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Resolution 246, a resolution on the recognition of Croatia and Solvenia.

SENATE CONCURRENT RESOLUTION 107—RELATIVE TO AN ARMS EMBARGO AGAINST BURMA

Mr. HELMS (for himself, Mr. MOYNIHAN, Mr. SIMON, and Mr. WOFFORD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 107

Whereas, since 1962, Burma, known as the Union of Myanmar, has been ruled by a military dictatorship;

Whereas the founding of the State Law and Order Restoration Council (SLORC) in 1988 signalled a crackdown against pro-democracy demonstrators and anti-government insurgents;

Whereas independent human rights organizations, the United Nations Human Rights Commission, the United States Department of State, and other groups document widespread and continuing human rights violations against students and others exercising their basic rights to freedom of expression, association, and assembly;

Whereas those organizations agree that SLORC abuses against the people include egregious actions such as arbitrary arrests, torture sometimes leading to the death of those in custody, compulsory labor such as forced portering for the military, and unfair trials before military tribunals;

Whereas the United Nations Human Rights Commission on March 3, 1992 voted a unanimous resolution condemning Burma for human rights violations and appointing a special rapporteur to give a public report to the next meeting of the United Nations General Assembly and Human Rights Commission;

Whereas the United States Department of State classifies Burma as having one of the worst human rights records in the world;

Whereas in democratic elections held on May 27, 1990 the Burmese people voted by an overwhelming majority for the representatives of the National League for Democracy;

Whereas the National League for Democracy is led by the 1991 Nobel Peace Prize winner Daw Aung San Suu Kyi who has been under house arrest since July 1989;

Whereas the United States recognizes the individuals who won the 1990 elections as the legitimate representatives of the Burmese people;

Whereas despite the clearly expressed will of the people of Burma, the military regime headed by generals Saw Maung and Ne Win has refused to transfer power to the people's elected representatives;

Whereas according to the 1992 International Narcotics Control Strategy Report published by the Department of State, the production of illicit drugs in Burma has doubled since the formation of the SLORC in 1988;

Whereas, according to the same Department of State report, Burma is the world's largest source of illicit opium and heroin, producing 60 percent of the world's supply;

Whereas, Since 1989, the SLORC has provided both military and economic support to drug trafficking groups and allows them to produce and trade illicit drugs at their will;

Whereas the majority of all opium and heroin produced in Burma is exported to the United States;

Whereas drug use in the United States has contributed to or directly caused the death of thousands of Americans, especially young people and the urban poor;

Whereas the SLORC military regime used proceeds from the sale of illegal narcotics to purchase $1,200,000,000 of arms in 1991 from the People's Republic of China;

Whereas it has been reported that the SLORC purchased these arms through the Chinese Polytechnologies Corporation which is managed by Deng Xiaoping's son-in-law;

Whereas the Chinese arms purchased by the Burmese military regime include tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, anti-aircraft guns, and other assorted arms;

Whereas the SLORC uses Chinese arms to wage war against the pro-democracy forces, including groups such as the Democratic Alliance of Burma and the All Burma Student Democratic Front;

Whereas SLORC armed suppression includes the murder of thousands, the rape of women and young girls, and the enslavement of men, women, and children as porters in Burma army campaigns against minorities and pro-democracy forces;

Whereas the SLORC uses Chinese arms to wage war against ethnic minorities and religious groups, including the Karen, Kachin, and Rohingya;

Whereas, in July 1991, the European Community announced a total arms embargo against Burma;

Whereas, in December 1991, the European Community announced withdrawal of military attaches from Burma;

Whereas SLORC suppression of human rights is forcing tens of thousands of Burmese people to flee to Bangladesh and Thailand;

Whereas, in March 1992, United Nations Secretary General Boutros-Ghali declared the mass exodus of tens of thousands of Burmese people to Bangladesh as threatening to regional stability and called upon the Burmese military regime to rectify the causes of the tragic situation there; and

Whereas the cycle of narcotics sales and arms purchases must be broken: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President should seek an international arms embargo against the Burmese military regime until power has been transferred to a legitimate, democratically elected government; and

(2) the President should instruct the Secretary of State to call privately and publicly for an end to China's military sales and economic support to the Government of Burma until such time as all political prisoners are unconditionally released (including Daw Aung San Suu Kyi), martial law is lifted, and the results of the May 1990 elections are fully implemented.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. HELMS. Mr. President, this last September, in the Communist Chinese town of Wanting, on the border of Burma, a series of events occurred that had serious consequences for the United States. Both Communist Chinese and Burmese military officers descended upon that small village and ordered that all villagers be confined in their homes.

Shortly thereafter, two lines of military trucks rumbled into town from opposite directions—one from Burma, the other from Communist China. Surrounded by armed guards and militiamen, the two lines of trucks maneuvered in the middle of the town square until each one was backed up to another, end-to-end. During the next few minutes, under the cover of the trucks' mudflaps, the soldiers exchanged truckloads of Communist Chinese arms for truckloads of Burmese heroin. When the exchange was completed, the trucks rumbled away to their respective destinations.

The drugs came to the United States eventually—the arms went south to Burma.

According to reports in the Far Eastern Economic Review, the Burmese military regime has purchased more than 1 billion dollars' worth of military arms from the Communist Chinese. Where in the world could this military regime, which has impoverished the nation through the Burmese Way to Socialism campaign and already stripped the country of many of its natural resources, have come up with foreign currency totaling over $1 billion?

The answer lies in the cycle of transactions depicted on this chart. The Burmese use proceeds from the sale of the illicit drugs to the United States to purchase arms from the Communist Chinese. This deadly cycle continues as the Burmese produce more drugs and the Chinese sell the Burmese more military arms. Drug production in Burma is at an all time high. The State Department has just issued a report disclosing that Burma now produces over 60 percent of the world's supply of opium and heroin. What is even more distressing is that the majority of these drugs is smuggled into the United States and other Western countries.

Thousands of innocent people are being swept up in the deadly wake of this trade, Mr. President. Burmese heroin on the streets of America brings with it the catastrophes plaguing modern day America—drug addiction, violence, poverty, and AIDS. American young people, in particular, are impacted by this evil trade.

The New York Times reported last year that the Burmese military regime buys arms from Deng Xiaoping's son-in-law's arms corporation called Polytechnologies. The regime uses these arms to kill, rape, and torture the Burmese people, especially those who advocate democracy. The Burmese regime has the 1991 Nobel Peace Prize recipient, Daw Aung San Suu Kyi, under house arrest and refuses to acknowledge the representatives elected by the Burmese people in the democratic elections of May 1990.

The only way this regime can hold on to its power and fend off the swelling forces of democracy is through the brutal suppression of the Burmese people. The severity of this suppression is multiplied thousands of times by the presence and use of Chinese arms.

Senators MOYNIHAN, SIMON, WOFFORD, and I want to put an end to

this travesty. Our concurrent resolution calls for an international arms embargo against the brutally oppressive Burmese military regime. In addition, Mr. President, the concurrent resolution urges the Secretary of State to call for an end to China's military sales to, and economic support of, Burma.

This will be the most effective means by which we can stop this trading of military arms and illicit drugs. I ask unanimous consent that the article from the February 6, 1992, issue of the Far Eastern Economic Review and another article from the August 21, 1991 New York Times be printed in the RECORD.

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

[From the Far Eastern Economic Review, Feb. 6, 1992]

UNGUIDED MISSILE

(By Tai Ming Cheung)

China's defense industry has carved a lucrative niche in the international arms bazaar since the early 1980s, selling military wares to the Third World.

Peking recently confirmed the transfer of M11 tactical-range missiles to Pakistan. Foreign intelligence agencies also believe China is supplying M9 tactical missiles to Syria that could be worth hundreds of millions of US dollars. China's nuclear exports include a small research reactor to Algeria, nuclear technology to Iran and an agreement to build a full-sized 300-MW nuclear power plant in Pakistan valued at more than US$500 million.

The defense industry has nonetheless suffered from a sharp drop in demand for conventional weaponry. The end of the Iran-Iraq War led to a two-thirds cut in arms earnings, according to some analysts. Other major clients were Saudi Arabia, which purchased US$2 billion of Chinese CSS2 intermediate-range ballistic missiles in 1985, and Thailand, which bought more than US$400 million of tanks, artillery and frigates from 1980-88. But the lack of sophistication of Chinese arms have seen these countries look to other suppliers in the past few years.

Chna's total arms income during the 1980s was more than US$10 billion, according to the Stockholm International Peace Research Institute. The actual total is probably much higher as many arms sales are made in secret.

China set up two arms-trading companies in the early 1980s. The more powerful is Poly Technologies, the export arm of the PLA's General Staff Department. But to give it a civilian facade, the company ostensibly belongs to China International Trust & Investment Co., the nation's primary overseas investment company.

Established in 1983, Poly Technologies has been involved in many arms transactions, including the Saudi missile deal. Many of the company's executives are the offspring of senior communist leaders. Its president is He Ping, son-in-law of paramount leader Deng Xiaoping; a vice-president is Yang Li, daughter of President Yang Shangkun. The director of the PLA General Staff Department's equipment sub-department, which directly coordinates Poly Technologies' activities, is He Pengfi, son of the late marshal He Long.

Another arms exporter is China New Era Corp., founded in 1980 and under the primary control of the Commission of Science, Technology and Industry for National Defense. New Era represents ministries with extensive defense output, such as China Precision Machinery Import & Export Corp., China Nuclear Energy Industry Corp. and National Aero-Technology Import & Export Corp.

The creation of these high-powered arms-export firms led to a dramatic growth in income from foreign arms deals. From less than US$400 million in 1979, sales peaked at almost US$2 billion in 1986, according to foreign estimates. By 1990, however, they are estimated to have dropped to nearer US$1 billion. In comparison, China's non-military exports in 1990 amounted to US$60 billion, according to Chinese figures.

But earnings from arms sales could fall in the coming decade. The end of the Iraq-Iran War in 1989 left Iraq owing hundreds of millions of US dollars to Chinese arms firms. Iran has continued to acquire a steady supply of Chinese arms, but it has requested Peking's assistance in the construction of a local defense industry.

China has managed to find some new clients to compensate for lost trade, including Burma and Sri Lanka. Burma is buying as much as US$1 billion of Chinese arms, with the purchases reportedly being financed by income from drugs earnings.

Pakistan and China, meanwhile, have stepped up their arms cooperation, developing and producing the new Type 2000 main battle tank for the Pakistani army and the K7 jet trainer. The Chinese research and develop the weapons, while Pakistan provides financial assistance and, sometimes, Western technology to incorporate into the equipment.

These new business relationships, however, are insufficient to fill the vacuum left by smaller sales to the Middle East. Because of this, the Chinese defense industry is looking to other hi-tech areas for income. The space industry has been eagerly promoting its satellite-delivery services, offering 25% discounts compared to European and US competitors. But only one foreign commercial satellite, Asiasat 1, has been launched (in April 1990). Two Australian satellites are to be launched this year.

China's nuclear exports have more potential—and are clearly more controversial. Peking insists that all its transfer of nuclear technology and materials, such as experimental nuclear reactors and low-grade enriched uranium, have been exclusively for civilian application. But there is widespread suspicion that China has provided equipment to some developing states that could have military uses.

Indeed, the close personal relationships between the heads of the arms-export firms and top government officials have seriously hampered efforts to regulate the flow of arms sales.

But international pressure on China to rein in arms sales, especially from the US, appears to have had an impact. Peking agreed in November to observe the Missile Technology Control Regime, a non-binding agreement among arms exporters and industrial countries not to sell missiles with ranges of more than 300 km in the Middle East.

Analysts are skeptical whether this will see the end of the missile sales, as Chinese officials have given similar promises in the past that they have reneged on.

In 1991, too, a department was set up in the powerful Central Military Commission to monitor and vet the activities and exports of the arms-trading companies. But with a staff of only 30 officers, the department lacks the resources to carry out its duties, analysts say.

HEART OF DARKNESS

(By Tai Ming Cheung)

The tens of thousands of "third-line" defense-related plants built in China's deep interior in the 1960s and early 1970s represent a triumph of Maoist folly over economic rationality. Now they are serious liabilities in the defense industry's switch to civilian production.

To limit damage in case of war, the plants were spread over a huge area of western China that includes some of the nation's poorest and most backward provinces. Many factories are in isolated and inhospitable locations, from remote mountain valleys to caves and deserts. Often, they are served only by single-track railways or dilapidated roads.

These sites were strategically ideal during the Cold War, but now they are virtually useless. Analysts say more than 45% of third-line factories have serious problems with transport, energy supplies and management. Utilization rates at most plants are less than 10%.

Around 29,000 factories were built or moved from coastal areas into the third-line region at a cost of more than Rmb 200 billion (US$107 billion at 1974 exchange rates). Around 2,000 are large or medium-sized enterprises, or plants that have fixed assets of more than Rmb 20 million. These constitute almost a quarter of all Chinese enterprises of this size.

Third-line factories account for almost 75% of production in the nuclear industry, 60% in electronics and 50% in the armaments and space industries. All told, they represent more than 50% of the defense industry's production capacity. (The rest is in the first- and second-line plants in the industrial cities of the northeast and in coastal provinces.)

Many third-line plants have little access to up-to-date economic information, which is a major handicap in their efforts to make marketable civilian products. "Some enterprises are so isolated they have only a vague understanding of the reforms taking place in the rest of the economy. They still think they are in the 1970's," says one defense-industry analyst.

To overcome this obstacle, the authorities are trying to improve commercial ties between inland and coastal enterprises. With 60% of the aerospace industry's output coming from inland factories, the Aeronautics and Astronautics Ministry set up Yonglin Technological & Economic Development Corp. last year to provide economic information specifically for these firms.

In addition, several joint-venture groups have been set up. Zhongshan Defense Equipment Group, for example, was formed in 1989 with 19 defense enterprises scattered around the country. The group cooperates on the development, production and marketing of defense electronic and engineering systems, such as navigation and communications equipment.

The government is also trying to move some of the plants closer to transport links and markets. So far, around 121 problem-ridden plants have been moved, merged or closed down, at a cost of more than Rmb 3 billion. The Finance Ministry and local governments plan to spend a further Rmb 3 billion by 1996 to overhaul another 115 defense enterprises.

One of the largest removal projects involves the relocation of Base No. 67, a huge

facility for rocket research and development, from the Qinling Mountains in Shaanxi province to more accessible areas several hundred kilometers away. The relocation was to be completed by the end of 1990, but severe floods pushed the project well behind schedule and heavily over-budget. The government has had to provide an additional Rmb 160 million to complete the move by 1993.

Some factories are impossible to move. Among the largest third-line enterprises is the Panzhihua iron and steel complex in Sichuan province. The first phase of Panzhihua was completed in late 1978 at a cost of almost Rmb 4 billion. It was to be the main steel supplier to hundreds of defense factories located around Chengdu. But in 1979, China's economic development priorities abruptly shifted to coastal provinces.

The interior provinces view factories such as these as one of their few avenues towards economic development. Third-line plants make up a sizable proportion of the industrial production capacity of China's western region, and are one of the main sources of taxes and foreign-currency earnings. Annual civilian output of the third-line industry in 1989 was estimated at Rmb 10 billion.

[From the New York Times, Aug. 21, 1991]

POTENT OFFICE WEAVES WEB IN CHINA ARMS

(By Nicholas D. Kristof)

BEIJING, AUGUST 20.—If Western leaders want to know what they face in trying to get China to restrain its weapons sales, they might drop by the secretive office of Poly Technologies on the 17th floor of the Citic Building in downtown Beijing.

The efficient, well-equipped office is at the core of a remarkable Chinese military-industrial complex. Western complaints to China's Foreign Ministry about arms deals are unlikely to impress this company, which in some respects is more powerful than the Foreign Ministry itself.

Among those who have been active in Poly Technologies in recent years are relatives of President Yang Shangkun, Vice President Wang Zhen and Deng Xiaoping, the nation's senior leader.

The family links between Beijing's arms dealers and its top rulers appear to be one reason why China's weapons industry has rapidly become a major exporter in recent years, and why it will be difficult to curb. The West's arms control debate with China, far more than with other countries, involves links of family and friendship that are the veins of power in China.

A HOLDOUT ON PACTS

While most major military powers seem to be moving toward agreement on curbs on the proliferation of arms, China stands out for its refusal so far to join the Missile Technology Control Regime, an agreement to curb the spread of missiles, although it says it is considering joining. China also has not joined the Nuclear Non-Proliferation Treaty, but said this month that it would do so.

In recent months, China is believed to have sent Pakistan M-11 missiles, which can carry nuclear warheads and could be used against India. Beijing may also be sending Syria its new M-9 missiles, which would be able to strike targets throughout Israel. The Far Eastern Economic Review of Hong Kong reports in its current issue that up to 24 of the M-9 launchers already have been spotted in Syria.

Such sales may have been arranged through companies other than Poly Technologies. The common denominator is that the aim of such deals is not to cultivate friends or spread Communism, but a more capitalist motive.

"In the United States, arms sales are an expression of your foreign policy," a Chinese official said. "But in China, the reason for arms sales is to earn money."

Xie Datong, the president of Poly Technologies, did not respond to requests for an interview. Citic, the Chinese investment company that on paper is the parent of Poly Technologies, also declined interviews.

LIKE A MILITARY OUTFIT

Other Chinese with knowledge of Poly Technologies' operations were more forthcoming. In interviews recently, they portrayed a sophisticated company run like the military organization it is, where employees address one another by army rank and where Hong Kong chefs provide catered lunches.

"It stated because the army general staff department wanted to have its own arms trading company, but it thought that it wouldn't be appropriate to do this openly," said a Chinese familiar with the company. "So it approached Citic, and Poly Technologies was set up on paper as a subsidiary of Citic."

Poly Technologies was formally founded in January 1984 with the approval of the State Council, China's Cabinet. It is registered as a subsidiary of Citic. In fact, Chinese say, it reports to the armament department of the general staff of the army.

Poly Technologies seems to be authorized to sell virtually everything in the Chinese arsenal, although the Central Military Commission must approve politically sensitive deals.

The most important deal arranged through Poly Technologies was the sale to Saudi Arabia of about $2 billion worth of Chinese ballistic missiles with a range of about 1,600 miles. That transaction, arranged in 1985, came to light in 1988 and caused a wave of indignation in the United States.

CAR STONED IN MYANMAR

Among recent deals arranged by Poly Technologies was the sale of guns and ammunition to Myanmar, formerly Burma.

"Poly Technologies has an office in Myanmar, and when its car goes out on the street, it's sometimes stoned by the Burmese," said a Chinese who has worked for the company. "They think we're helping the Burmese Government suppress the people."

The first head of Poly Technologies was He Pengfei, son of a famous Chinese marshal. The son also rose in the army, and after heading Poly Technologies, he returned there, attaining the rank of major general and becoming director of the armament department, a vantage point from which he continued to oversee the company.

The next president of Poly Technologies was He Ping, who is married to Deng Rong, a daughter of Mr. Deng and now his personal assistant.

An article this spring in International Security, a scholarly journal, asserted that the Foreign Ministry had tried to restrain Poly Technologies but had had little success.

In one indication of where business is headed, Poly Technologies has recently expanded, taking up an entire floor in the Citic Building. Most of the employees are on loan from the army.

Morale is said to be high and job benefits substantial. The staff need not lunch in the regular Citic cafeteria, because the chefs of the Hong Kong-managed Windows on the World restaurant on the top of the Citic building send them lunches every noon. The price charged each employee is just nine cents a meal.

Mr. MOYNIHAN. Mr. President, I am most encouraged to be joining today with the distinguished ranking members of the Foreign Relations Committee, Senator HELMS, and Senator SIMON, and others in introducing a resolution on the urgent need for an international arms embargo on Burma.

Passage of this resolution by the Senate would make ever more clear that the administration must move deliberately and with greater urgency to support a complete and effective international arms embargo against the regime in Burma. This must be a matter for the Security Council of the United Nations, and it must be brought before the Council with the strongest possible U.S. support.

The resolution we introduce today would put the entire Senate on record in support of an international arms embargo against Burma, a position already unanimously agreed to by the Senate Foreign Relations Committee. Further, the Congress has already authorized the President to take economic sanctions against Burma in the Customs and Trade Act of 1990. Why hasn't he done so?

Certainly, we are aware of the steps taken by the administration to embargo U.S. arms sales and to encourage others to do so. But a great deal more can and must be done. Ever greater quantities of weapons are reaching the regime in Burma from China, Singapore, Serbia, and elsewhere. More, no steps have been taken to prevent dual-use items from being sold to Burma. Not by the United States or by any other suppliers. Indeed, the State Department just recently admitted that it is easier to send dual-use items to Burma than it is to Russia. This is wrong.

The Fritz Werner Co. of Germany has developed an indigenous arms capability in Burma. It is also reported that Burma has poison gas capability, again provided by Fritz Werner. And we cannot dismiss the willingness of the military junta in Rangoon to use it. A regime that uses women and children as military porters and human minesweepers in its campaigns against opposition forces is capable of any atrocity.

Indeed, a regime that has kept the world's most recent Nobel Peace Prize winner, Aung San Suu Kyi, under house arrest for nearly 3 years now, is capable of anything. A regime that traffics in heroin to pay for its weapons purchases from China is capable of anything. Some $1.4 billion in weapons, paid for by heroin. Heroin that ends up mostly in the United States. Senator HELMS has most forcefully pointed out this circle of death. And we are doing far too little about it.

It is long since time for the Security Council to take action against Burma. If it can act on Somalia, Yugoslavia, Iraq, Libya, it can and must act

against the thugs in Rangoon. An arms embargo is needed. Burma is a threat to international peace and security. It produces and exports most of the world's heroin—with full Government complicity. It wages war against its own people on the border with Thailand and on the border with Bangladesh. It commits the grossest forms of human rights violations. It imprisons the world's Nobel Peace Prize winner. The United Nations ought not continue to compromise its position on Burma with misguided and, indeed, self-deluded efforts by the U.N. Development Program. Any money to the regime and any international support of it, can only prolong the agony of Burma's people.

I know the Senate will want to quickly consider this resolution and pass it. We can only hope that the administration will take this matter with the same urgency that the Senate does.

Mr. SIMON. Mr. President, I am pleased to introduced this concurrent resolution along with my distinguished colleagues Senator HELMS and Senator MOYNIHAN. There is a nasty war going on in Burma, a war the military junta there is waging against the duly elected government and the innocent people of Burma. It is a war financed in part by the Chinese, in part by the illegal sale of heroin and opium and in part by the wholesale destruction of the Burmese teak forests.

Our resolution condemns the military regime in Burma—known as the State Law and Order Restoration Council, or SLORC. And we call on President Bush to seek an international arms embargo against SLORC, and for Secretary of State Baker to call on the Chinese to end their support of this repressive military regime, a regime that lost the 1990 elections and refuses to let the rightful winners take their seat in Parliament.

We point out in our resolution that the 1991 Nobel Peace Prize winner, Daw Aung San Suu Kyi, has been under house arrest since July 1989. We point out that the production of illicit drugs has more than doubled since the SLORC was formed in 1988. We point out that Burma is the world's largest source of illicit opium and heroin. We point out that the Chinese-Burmese connection, how SLORC bought more than $1.2 billion in arms last year from Beijing.

Mr. President, I'd like to be able to stand here on the Senate floor and say that the U.S. Government was in the forefront of those speaking out against the SLORC. I'd like to be able to say that we have ended all trade with Burma, and imposed comprehensive sanctions against this hated regime. But neither of these statements would be accurate. Just last week, I questioned Assistant Secretary of State for East Asian and Pacific Affairs, Richard Solomon, about our trade with Burma, and he replied that it was virtually all cut off.

But it is not all cut off. Our trade with Burma has more than doubled since 1988, and almost half our imports are Burmese textiles. For a regime that is for all intents and purposes expelling a large part of its Muslim population to Bangladesh, violating basic human rights and routinely engaging in torture, trading in the worst kind of narcotics deals, pillaging its environment, and becoming more of a threat with every passing day to regional stability, surely our response can be tougher than allowing our trade relations to flourish. Surely we can impose trade and other sanctions against the SLORC. Surely we can do better. Surely we can stand up for human rights in Burma.

SENATE RESOLUTION 282—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. SASSER (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 282

Whereas, in the case of United States v. Slawomir Borowy, CR. No. M14939-91, pending in the Superior Court of the District of Columbia, the United States has caused to be issued a subpoena for the testimony of William Fowble, an employee in the Senate Service Department;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That William Fowble and any other employee of the Senate from whom testimony may be necessary are authorized to testify and to produce documents in United States v. Slawomir Borowy, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent William Fowble, and any other employee, officer, or Member of the Senate in connection with United States v. Slawomir Borowy.

AMENDMENTS SUBMITTED

SENSE OF THE CONGRESS CONCERNING THE U.N. CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

GORTON (AND HATFIELD) AMENDMENT NO. 1758

Mr. WALLOP (for Mr. GORTON, for himself and Mr. HATFIELD) proposed an amendment to the concurrent resolution (S. Con. Res. 89) expressing the sense of the Congress concerning the U.N. Conference on Environment and Development, as follows:

Insert the following new paragraph after paragraph (5) and renumber succeeding paragraphs accordingly:

"(6) support the creation of an International Northern Forests Organization whose principal purpose shall be to study the linkages among international trade in forest products, the management of northern forests and the regional and global environment in order to assist member countries in the development of sustainable forest management policies."

WALLOP AMENDMENT NOS. 1759 AND 1760

Mr. WALLOP proposed two amendments to the concurrent resolution (S. Con. Res. 89), supra, as follows:

AMENDMENT NO. 1759

In the first "Whereas" clause, after "by" insert the following: "the potential for harmful", and after "change," insert the following: "and".

AMENDMENT NO. 1760

On page 4, line 22, after "support" insert the following: "the voluntary", and on page 5, line 3, after "new" insert the following: "voluntary".

CONCURRENT RESOLUTION ON THE BUDGET

BENTSEN (AND OTHERS) AMENDMENT NO. 1761

Mr. BENTSEN (for himself, Mr. GRAMM, Mr. DOMENICI, and Mr. MCCAIN) proposed an amendment to the concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the U.S. Government for fiscal years 1993, 1994, 1995, 1996, and 1997, as follows:

At the end of the resolution, add the following:

SEC. . SOCIAL SECURITY OUTLAY AND REVENUE LEVELS.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in

the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

NOTICE OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, April 7, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building on recommendations to the Appropriations Committee on the funding of Indian programs for fiscal year 1993, and for other purposes; to be followed immediately by a hearing on a substitute bill to S. 1752, to provide for the development, enhancement, and recognition of Indian tribal courts.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, April 7, 1992, at 10 a.m. to conduct a hearing on whether the United States must develop a national competitiveness strategy to maintain its industrial leadership in the 21st century.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, April 7, at 9 a.m., for a hearing on the subject: "Tainted Water, Tainted Fish?: Stewardship of the Great Lakes."

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on April 7, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building, on recommendations to the Appropriations Committee on the funding of Indian programs for fiscal year 1993, and for other purposes; and to meet on a substitute bill to S. 1752, to provide for the development, enhancement, and recognition of Indian tribal courts.

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

SUBCOMMITTEE ON LABOR

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 7, 1992, at 9:30 a.m., for a hearing on S. 2311, the Save American Jobs Act.

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

SPECIAL COMMITTEE ON AGING

Mr. SASSER. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Tuesday, April 7, 1992, at 9:30 a.m. to hold a hearing entitled "Medicare Balance Billing Limits: Has the Promise Been Fulfilled?"

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

COMMITTEE ON ARMED SERVICES

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 7, 1992, at 3 p.m., in executive session, to mark up legislation to make the Vice Chairman a member of the Joint Chiefs of Staff, to provide joint duty credit for certain duty in Operations Desert Shield and Desert Storm, and to provide for the temporary continuation in grade of the Deputy National Security Advisor; to vote on the nomination of Vice Admiral William O. Studeman, USN, to be Deputy Director of Central Intelligence; and to vote on certain pending military nominations.

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

ADDITIONAL STATEMENTS

TRIBUTE TO THE NEBRASKA ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS

• Mr. EXON. Mr. President, I would like to take just a few minutes to pay tribute to the Nebraska Association of Student Financial Aid Administrators.

The Nebraska Association of Student Financial Aid Administrators is celebrating 25 years of service to Nebraska. The membership of this association, through dedicated efforts, has enabled countless Nebraskans to further their education with the assistance of financial aid.

One of the programs which the young people of Nebraska will be benefiting from during the next 25 years is the early awareness program. I am very excited about this program to reach fourth graders and have them start setting their sights on the future by providing mentors and opportunities to explore various careers and help them work toward the future they want.

The Nebraska Association of Student Financial Aid Administrators encourages the Senate to make a commitment to encourage higher education and support financial aid programs. In the recently passed reauthorization of the Higher Education Act, I believe the Senate has shown its support for educating our young people and providing the financial incentives to make higher education possible.

The association's 25 years is a milestone in making dreams a reality for the citizens of Nebraska.

I want to extend my heartiest congratulations on their achievements and goals for the future.•

THE ACCESS TO JUSTICE ACT OF 1992

• Mr. SMITH. Mr. President, I rise to express my support for S. 2180, Senator GRASSLEY's bill to impose modest, but much needed reforms on the Nation's civil justice system.

The United States is the most litigious society in the history of the world. Our 800,000 lawyers—over 70 percent of the world's total—give America 1 attorney for every 310 regular people. While much of what they do is beneficial, much is frivolous and destructive to our competitive position in the world.

As an example, in at least one case, a transvestite has successfully sued for job discrimination under the recently passed Americans With Disabilities Act. In another, a drug addict successfully sued for employment discrimination under the 1973 Rehabilitation Act. In still another case, a threat to bring sexual harassment charges against Pennsylvania State University persuaded the university to remove Goya's classic, "The Naked Maja" from its classroom walls.

Peter Carlson, writing in the Washington Post magazine, describes one lawsuit:

> It began in December of 1988, when Joe and Carolyn Denson filed complaints against their landlord, Garfinkel, with various Montgomery County agencies. Irate, Garfinkel responded by slapping the Densons with a lawsuit alleging "malicious defamation," asserting that their frivolous complaints had caused him to suffer "great emotional trauma and other damages," for which he demanded the salve of $95,000, plus lawyer's fees. Equally irate, the Densons counterattacked with an "abuse of process" lawsuit charging that Garfinkel's frivolous suit was filed just to intimidate them from raising legitimate complaints against him. For this—the infliction of "substantial emotional distress and anxiety"—they demanded the balm of $250,000 in compensatory damages, plus $250,000 in punitive damages.
>
> Plus lawyer's fees, of course.
>
> Now, nearly 3 years later—after the filing of a complaint and a counterclaim and an answer to the amended complaint and an amended answer to the counterclaim, and after the plaintiff's interrogatories and the defendant's interrogatories and the plaintiff's objection to the interrogatory; and after the 97-page deposition of the plaintiff and the 84- and 90-page depositions of the defendants; and after the withdrawal of the plaintiff's first attorney and the appearance of the plaintiff's second attorney; and after the withdrawal of the defendants' first attor-

ney and the appearance of the defendants' second attorney; and after two settlement conferences that failed to settle the case—after all that * * * the Densons' lawyer, came to court * * * ready to cut a deal.

Mr. President, this almost-comical case highlights an important reality underlying much litigation: The costs of the lawsuits considerably exceed the amount at stake. In fact, in many cases, these suits are settled, not because the suits are meritorious, but because of the prohibitive costs in litigating the issue.

This litigation explosion has collectively added as much as $80 billion in direct costs and perhaps $300 billion in indirect costs each year, according to Carlson. As a result, there are some areas in the United States where you cannot find a physician who will deliver a baby or to remove breast implants, for fear of stifling litigation.

While recourse to the courts is sometimes necessary and desirable, I cannot believe that the 18 million lawsuits a year—nearly one lawsuit for every adult American—does not represent an exercise in wretched excess. In the Federal system alone, lawsuits have nearly tripled from 90,000 in 1960 to more than 250,000 in 1990.

The access to Justice Act of 1992 would represent a major step in controlling the litigation explosion which is playing a major role in costing American jobs and making our products uncompetitive abroad.

The Grassley bill would:

First, curtail frivolous litigation by requiring the loser to pay a reasonable portion of the winner's legal fees;

Second, create a pilot program to resolve civil suits out of court;

Third, severely limit the number of suits which are in Federal court solely because of the diverse citizenship of the litigants;

Fourth, require that a potential litigant give notice of his intent to sue;

Fifth, restore judicial immunity from suit for State judges; and

Sixth, require prisoners to exhaust administrative remedies before suing in Federal court.

These are modest steps which would curtail frivolous suits without interfering with suits by litigants with legitimate grievances.

I will support these modest steps when the issue comes before the Senate, and I would urge my colleagues to do likewise.•

MARYLAND STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES—20TH ANNIVERSARY

• Mr. SARBANES. Mr. President, I rise to recognize and congratulate the Maryland State Planning Council on Developmental Disabilities as it celebrates its 20th anniversary. An organization composed of people with disabilities and their families, public officials, higher education representatives, and community organization leaders, the Maryland State Planning Council on Developmental Disabilities has been at the cutting edge of national disability policy.

The council's many achievements include the establishment of statewide family support services, supported employment initiatives, quality integrated community living arrangements and parent training organizations. During 1991, the council worked hard along with other Maryland organizations and State government to put forward a successful application for the new Medicaid community supported living arrangements program. As a cosponsor and strong supporter of the Medicaid Home and Community Quality Services Act, which established the community supported living arrangements [CSLA] program for developmentally disabled citizens, I am pleased and proud that Maryland was one of only eight States in the Nation to receive the first CSLA awards. The Maryland Developmental Disabilities Council is playing a central role in this critical initiative and will be at the forefront of efforts to show our country a new and better way of supporting its citizens with developmental disabilities.

As the council celebrates its 20th anniversary, I want to again congratulate its members for the critical work they do, work which is essential if families and persons with developmental disabilities are to participate more fully in community life.•

A DISCUSSION WITH DR. VARTAN GREGORIAN

• Mr. SIMON. Mr. President, I have for some time taken an interest in the plight of the Armenian people because of the constant persecution they have had to undergo.

Next to the Jewish population, they have suffered more persecution over the centuries and over recent decades than any other people. Some might argue that the Cambodians should be included because of what they had to undergo under the Khmer Rouge, but that has been a one-time tragic occurrence and not a century-long problem.

In any event, a recent publication by the Armenian General Benevolent Union [AGBU] had an interview with Dr. Vertan Gregorian, president of Brown University and a friend of mine for some years. The interview was done by Louise Manoogian Simone.

It is of interest not simply because of the significant contributions of Dr. Gregorian at Brown University and his comments on the problems faced by the Armenian people, it is also significant because of what he has to say about education.

For example, he says: "Our secondary schools should be providing the general education, as is the case in Europe, not universities. Higher education is too expensive to be remedial which is what the first 2 years of college are becoming." He also calls for having a national agenda and a national plan to meet our domestic needs, now that the international threat has diminished.

He notes: "At Brown our students give 100,000 hours of public service at various institutions each year. I hope one day there will be some kind of national public service instead of military service, students giving 1 or 2 years of their time to national projects."

I favor that, and our colleagues, Senators NUNN and MIKULSKI, have offered specific suggestions along that line.

I ask to insert Dr. Gregorian's comments at the end of my remarks, and I urge my colleagues and their staffs to take a look at his observations.

The remarks follow:

FACING THE FUTURE—A DISCUSSION WITH DR. VARTAN GREGORIAN, PRESIDENT, BROWN UNIVERSITY

(By Louise Manoogian Simone)

LMS. It's always a pleasure to talk with you. You lead such a dynamic life in so many different circles. I must take this opportunity to say how proud we are of you. As an American and as an Armenian you have achieved an outstanding position in our country. If there is one field that the United States leads the world in it's education. As President of Brown University you will influence the very future of our society. What are the challenges before you?

VG. There are many challenges. First, a global civilization is emerging. How to retain particular national cultures within that global civilization is something America is facing once again and Europe will soon face as a result of the common market. In the United States, today, many ethnic groups are trying to demonstrate that they did not come here without a culture or knowledge; that they have a rich heritage to contribute to America. So the challenge is how not to allow these particular cultures to become ghettoized or ossified but rather to be a complementary component of the American society. This is the number one challenge we face both in curriculum and the educational process.

The second is fragmentation of knowledge. We are becoming more and more specialists. We don't teach our PhD's how to synthesize. We see today the collapse of ideologies, whether it's communism or something else. The Catholic church is facing its many sectarian movements. Protestants, not to mention Armenians, have all been fractionalized. We don't teach "what's the common ground or common knowledge," in other words, how to synthesize knowledge. As a result we have hundreds of specialists and you have to bring in many to answer any one common problem. It is a problem in our universities because all available information doubles every five years. The main thing is how do we transform that information to structured knowledge so that we will not be manipulated by trivia. Information is not knowledge necessarily. We know more and more about everything yet less and less about the depth of many subject matters.

The third challenge is individualism. We think we are individualists but we are con-

formists, more and more becoming homogenized. That's one place where some of the ethnic cultures can provide a perspective for America. In some groups individualism is considered a luxury because as long as the group is not completely emancipated it is thought to be an act of luxury to drop out, as in the case of African Americans. In other instances, if an ethnic group has already been absorbed, such as Anglo-Saxons, individualism is considered not a luxury but a necessity.

Fourth, we teach in America how to cope with success but we never teach in our schools how to cope with failure and adversity as part of the cycle of life. Coming in second is considered unAmerican. That creates false kinds of conclusions about life in general.

The fifth challenge I see is the issue of general education. Our secondary schools should be providing the general education, as is the case in Europe, not universities. Higher education is too expensive to be remedial which is what the first two years of college are becoming.

Last but not least is the problem of a domestic agenda for America because now the external enemies are gone. Before we could rationalize that the reason we didn't have one was because we were fighting against world communism and its "conspiracy." Now there is a greater mandate to spend more on our country and our economy. You'd be surprised how few people think in terms of the economic interests of the United States. They think politically and ideologically but they don't have any place for economics and environment. Our infrastructure is decaying. Take New York, for example. The whole city's infrastructure has to be fixed within the next 20-25 years. America has to come home without being isolationist or retreating into its cocoon. We have a 50% dropout rate in our high schools. We have the homeless. We can no longer afford to live under the shadow of our former greatness.

LMS. As an academician you have been surrounded by young adults all your life. What's the difference between this generation and let's say 10 or 20 years ago? How should we prepare for them? What can we expect?

VG. Ten years ago, actually after Vietnam I should say, there was a great deal of inward turning in America. The thinking was that since one could not solve the world's problems they might as well solve their own problems. "Do your own thing." There was more preoccupation with self interest and career, especially during the last decade. Now, I detect a certain new phase. If the generation of the 50's was considered a complacent generation, the 60's revolutionary, the 70's and 80's the yuppie generation, I think this new one is emerging as a compassionate generation. I see good signs about this—materialism is important but they are thinking about the quality of life. I think the current recession has also forced people to look for true values. With some of the universal ideologies collapsing there is a greater burden on individuals to judge for themselves rather than follow a catechism. There is also more worry about America's future instead of just thinking we are the greatest nation on earth and therefore it doesn't matter what happens elsewhere.

By the year 2000 we will need a skilled labor force of 25 million, 1.1 million school teachers and 500,000 professors just to replace retirees. We must have a unity regarding the country and its interests. Without an organized effort, involvement, we will not succeed. There has been a great deal of erosion in America about the value of public service. The public sector and excellence are not mutually exclusive. There is an attitude that excellence belongs to the private domain and that people who go into public service to become teachers or officials do not have that "fire in the belly" or entrepreneurial talent so therefore they accept less paying jobs. What may characterize the 1990's, and I hope it's not just wishful thinking, is that people have to be appreciated for who they are rather than what they have.

At Brown our students give 100,000 hours of public service at various institutions each year. I hope one day there will be some kind of national public service instead of military service, students giving one or two years of their time to national projects. America is not the kind of country where you can take as much as possible and give as little as possible because we're all in the same boat. If the ship sinks there's no solace in who was riding first, second or third class.

LMS. It often seems we are not advancing fast enough in our Armenian organizations. Armenians are so tradition bound—any divergence from the past seems to be threatening. I used to think these traditions were a great asset, the reason our cultural identity held strong through all the years of dispersion. Now, however, I question whether it is the reason so many have fled. Do you think this attrition rate is normal in any ethnic group or is a change in order on our parts?

VG. Tradition is a source of strength. It is not frozen, it's always evolving. As long as tradition does not become a moat but rather a bridge—that's fine. One of the greatest cliches in historical literature is "continuity and change" but change without continuity is silly. It has no context. On the other hand continuity without change is unreal. So the basic thing is how not to lower your aspirations and standards and yet be faithful to your traditions. People confuse means and ends. Means always have to change. Unfortunately, we Armenians, instead of dispassionate analysis, always tend to personalize things.

The Armenian community in America, as a community, is almost 125 years old. The community has always faced artificial divisions between those who came late to America and those who arrived earlier. It is remarkable that after a century Armenians have kept a viable community without succumbing altogether to assimilation.

One must pay tribute to the first wave of Armenian immigrants to America for they fought to survive, to retain their faith, to keep their links to their motherland and prepare a better future for their sons and daughters. They kept the Armenian organizations going. All generations of Armenians were caught in a dilemma. They were in America to be free, to be secure, to earn a living or to build fortunes, receive an education, to keep the ethnic organizations functioning and thriving, while hoping that one day when Armenia was free and secure they could return to their motherland.

Thus the Armenians wanted to survive in their adopted land without creating a permanent structure for their community in America. Therefore we should pay tribute to them. We should not look down on them because their organizations lacked "professionalism."

Emigre organizations in the early years always had to depend on what they had and what they had became the standard. Many never had the background or training for what they were doing. Dedicated, underpaid, overworked, one could not criticize their "professionalism" without questioning their loyalty. And, however frustrating, this is normal by the way. So, what happened? When they came, they did not have the expertise but they were the people who kept the flame burning. Unfortunately, however, they did not prepare a second generation of professionals to assume their responsibilities.

There are several reasons for this. Another generation did not consider serving Armenian organizations as a source of career advancement. The available positions were multi-purpose jobs. You had to be a field worker, organizer, propagandist, editor, etc. And, of course, it was also a way for organizations and political parties to keep their loyal workers employed. There was nothing wrong with that at the time. They all thought, consciously or unconsciously, that one day they might return to Armenia so they did not organize a structure to succeed them. Now, since we are here to stay, it is different.

Let me clarify one point, that there is confusion between professionalism and language. It is "who delivers that counts." Now we have a bilingual and educated generation of Armenians. We Armenians often care who does it more than what has to be done and that has been a tragedy all our lives . . . We are less tolerant of each other. We get along well with "foreigners" because if we lack "professionalism" vis-a-vis them we worry about what would "they" think of us. But when it comes to "us" we don't care because we already know one another.

We cannot capture our university-educated youth through exhortation or propaganda. You have to instruct them in such a way that it satisfies the intellectual, professional and personal needs. In the end it strengthens them because they will know who they are as Armenians. Simon Vratzian, my teacher and mentor, used to say we kept Armenians Armenian through dance and food but that's not enough now. For this generation to work in Armenian organizations, it cannot be solely an act of Christian charity on the part of the individuals. They must be convinced that serving Armenian organizations is a professional rather than a dead end job.

And then, of course, there is the question of style. I have taken my children and friends to Armenian events. I have to tell you, any event that lasts 6 hours turns them off. Strangely enough, we cannot take criticism. If you criticize any Armenian event for its style or its length or lack of intellectual depth, one feels guilty for it may be construed to be an attack against the Armenian identity or Armenian ways of doing things. If, on the other hand, you criticize a non-Armenian event then it is just a matter of taste * * *.

I vividly remember two events where I was the keynote speaker. One of them began at 6PM, but I didn't give my speech until 11PM. There was another event and again it was 11:30PM by the time I was invited to the podium. Half the audience was asleep, the other half was walking out. I got up to say, "There is no time. Everything that could be said has been said. Thank you." I got a rousing ovation but then somebody admonished me with "Well, you should have seen when the President of Harvard was here. It was later than tonight." "Did he ever come back again?" I asked. "No," was the reply.

LMS. Talking about children, I have 3 who are in varying degrees "Armenian". Two of them are willing to participate when asked and the third is fairly active. Armenia is

about the only thing that generates any real interest. You have 3 sons. Have you been able to instill any enthusiasm or commitment?

VG. My children were brought up as Armenians by my wife which comes as a great surprise to everyone because she's not Armenian. She learned how to read, speak and write Armenian. She took them to Tabriz (Iran) and had them baptized by the same priest that had married my parents and had baptized me. Two of my sons spoke Armenian until they were 8 years old. Then we moved to Austin, Texas. I discovered that unless you have full-time community or organizational support or you can create time by putting in a couple of hours a day you cannot succeed in preserving the language. All my children are proud to be Armenian. All 3 of them had great problems with their first names in Texas (Vahé, Raffi and Dareh-Ardashes) because nobody could pronounce them correctly. They were always listed under the girls' categories in school. Somebody once told Raffi that his was a Jewish name meaning serendipity.

My oldest son, Vahé, is a journalist for the St. Louis Post Dispatch. My second son, Raffi, is a military historian in Washington, DC and a PhD. candidate at Johns Hopkins, and my third son, Dareh, who attended the Armenian Sisters Academy in Pennsylvania for eight years, is a senior at Boston University. All three of them have rediscovered, in their own way, their Armenian heritage: Raffi, by going to Soviet Armenia and reading among others Franz Werfel's "Forty Days off Musa Dagh"; Dareh, by being interested in how various administrations have dealt with the Armenian Genocide; and Vahé, as a journalist.

I have not imposed upon them Armenianism for I believe you are not born an Armenian, you become an Armenian. Consciousness leads to knowledge, knowledge leads to language, and both of them lead to solid identity. Language without culture, culture without history and history without consciousness is not sufficient to guarantee one's identity.

LMS. How do you see the next five years for the Soviet Union in general and Armenia in particular? (Editor's note: A reminder to our readers that this discussion was held before the dramatic August 19 events in the Soviet Union.)

VG. I think the Soviet Union in its current form is not going to exist. Definitely the Baltic Republics will be out. Some face saving device will be found like the Soviet Union authorizing them to be part of the common market first as a "Zone Franche" (Free Zone).

Second, the Soviet Union is going to be very much preoccupied by Ozal's (President of Turkey) strategy. He wants to be a Mediterranean power in order to fill the vacuum. There's no leadership in the Balkans. Yugoslavia might have provided it but not now. Bulgaria is very poor. Greece is the only one that could compete but they don't have an international strategy other than commerce. They don't think geo-politically. My guess is that Turkey will leave Cyprus with some kind of arrangement—the price being Greece will not veto their entry into the Common Market.

Turkey wants to have a major role in the Caucasus as well, in a way to pick up where they left off in 1918; it wants a major role with the Ukraine and the Balkans as trade partners. Turkey wants to take this opportunity to industrialize the eastern region of the country, in order to stop the possibility of a future Kurdistan. The Soviet Union or Soviet Russia is not going to allow this. At best they will allow the Caucasus to remain neutral, like Finland. Soviet Russia needs oil. It needs the Caucasus as a bridge to the Middle East.

Now I personally believe that Armenians should have been last in showing their trump card in the Soviet Union, not first. One of the most brilliant Armenian political thinkers in the 19th century was Krikor Arzruni. He said to the effect that the Armenian bourgeoisie has money, a national resource, and they are scattered throughout Czarist Russia, they should build commerce in the Ottoman Empire and invest in historical Armenia. If and when a major global upheaval occurs, Armenians should pick up the pieces. Armenians should be observers, not instigators or pawns. I only mention this because we hear "We are the ones who started the protest in the Soviet Union. We were number one." Well, that's no consolation.

We don't have a quiet, articulate, long-term strategy of nation building. As a result our situation is very untenable. We're cut off from oil, from the Black Sea and we have a very minor border with Iran and there are attempts to even cut that. But, we do have human resources. Then the issue is how to build a national economy. Armenia has to become a Taiwan, a kind of electronic capital, a computer center or the Mayo Clinic of the Soviet Union so others will build roads to get to us. How we transform that manpower into skilled labor is the challenge because political independence without economic independence is not going to be viable.

Having said this we should marvel at the fact that since Armenians have suffered for 70 years, it is a miracle that there is even this much left.

LMS. This issue of the AGBU Quarterly is highlighting the Middle East. We have a substantial Armenian community there of several hundred thousand. How do you see the future?

VG. With the end of the cold war I'm very optimistic about the Middle East now. If the Palestinian issue is settled there will be greater pressure for each of the countries in the Middle East, including Israel, not to postpone social and economic justice. It may sound outlandish but I think, if peace or some acceptable solution comes, you will see the Middle East emerging as a major region, financially more powerful than Europe. There's no excess capital in Europe or even the U.S., only in Japan and the Pacific Basin. If the Middle East is not investing in arms but in business it will usher a great era of development. There is a population explosion. Sheer demography is going to demand economic justice.

Now, the Armenian communities, thank God, have never been part of the Middle East establishment because we have been excluded from the political process. Second, we have never been considered outsiders, fifth columnists, etc. Maybe with rare instances but no one has used that argument against us. We know the culture, the language and the region. We've been there for thousands of years and once again we're going to be an essential force, an entrepreneurial force. As a matter of fact, I believe you will see some Armenians returning to Iran, to Lebanon and to Iraq when Saddam's regime is over.

LMS. This is a very, very interesting historic period in our lives as democracy, or the ideal of democracy, takes over throughout the world. That's what we are seeing as dictatorships, and feudal systems keep collapsing. It could change the world in 25 to 50 years.

VG. The main problem is the growing pains that come with democracy. At first they will interpret democracy as anarchy but then, gradually, a new reality will emerge. My worry about the Soviet Union is that glasnost and perestroika without economic success will feed right into the hands of the old guard. They will say you might not have had freedom but you had bread. Once again they will force people to choose security over liberty.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Senator NUNN and Senator WARNER and employees of the Senate Armed Services Committee, Arnold Punaro and Patrick Tucker, to participate in a program in the Persian Gulf, sponsored by the United States Government and the governments of Saudi Arabia and Bahrain from February 16–20, 1991.

The committee determined that participation by Senator NUNN and Senator WARNER and Messrs. Punaro and Tucker in this program, at the expense of the United States Government and the governments of Saudi Arabia and Bahrain, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Tom Fulton, a member of the staff of Senator BURNS, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Relations, from April 13–24, 1992.

The committee has determined that participation by Mr. Fulton in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Peter Galbraith, a member of the Staff of Senator PELL, to participate in a program in London, sponsored by the Humanitas, from February 21–23, 1992.

The committee has determined that participation by Mr. Galbraith in this program, at the expense of the Humanitas, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35

for Vicki J. Hicks, a member of the staff of Senator BURDICK, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12–18, 1992.

The committee has determined that participation by Ms. Hicks in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by $6.3 billion in budget authority and by $5.8 billion in outlays. Current level is $2.9 billion above the revenue floor in 1992 and $0.7 billion below the revenue floor over the 5 years, 1992–96. Since my last report the Congress has sustained the President's veto of H.R. 4210, the Tax Fairness and Economic Growth Act, therefore, the budgetary effects are no longer included in current level. In addition, the President has signed the technical correction to the Food Stamp Act (Public Law 102–265).

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $354.2 billion, $3 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 31, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through March 27, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 24, 1992, the Congress has sustained the President's veto of H.R. 4210, the Tax Fairness and Economic Growth Act, changing the current level for budget authority, outlays and revenues, and the President has signed the Technical Correction to the Food Stamp Act (Public Law 102–265).

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG. 2D SESS., AS OF MAR. 27, 1992

[In billions of dollars]

	Budget resolution (H. Con. Res. 121)	Current level [1]	Current level +/− resolution
On-budget:			
Budget authority	1,270.7	1,277.0	+6.3
Outlays	1,201.7	1,206.6	+5.8
Revenues:			
1992	850.5	853.4	+2.9
1992–96	4,836.2	4,835.5	−.7
Maximum deficit amount	351.2	354.2	+3.0
Debt subject to limit	3,982.2	3,773.4	−208.8
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAR. 20, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Continuing resolution authority	13,992	5,454	
Mandatory adjustments [1]	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted	1,274,306	1,204,844	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102–245)			(2)
Technical Correction to the Food Stamp Act (Public Law 102–265)	(2)	(2)	
Total current level	1,277,012	1,207,550	853,364
Total budget resolution [3]	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,299	5,849	2,863
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Less than $500,000.

[3] Includes revision under section 9 of the concurrent resolution on the budget (see p. S4055 of "Congressional Record" dated Mar. 20, 1992).

Note.—Detail may not add due to rounding.•

WOMEN'S HISTORY MONTH

• Mr. SIMON. Mr. President, this past month was designated Women's History Month in order to honor the contributions of women throughout history. Just as important, though, the month has provided a forum for addressing many of the critical issues facing women, and men, in our society today. It is for that reason that I speak before you today.

Certainly we have made progress in addressing some of the more extreme inequities women have faced in this country. Congress has passed legislation to help eliminate discrimination in employment, education, credit and housing. But these laws are inconsistently enforced and the obstacles confronting women continue to mount.

This past summer, the Subcommittee on Employment and Productivity, which I chair, conducted a hearing to examine the role of women in the workplace. I would like to take this opportunity to highlight two of the more salient points that investigation brought forth.

First, there is preliminary evidence that indicates we are creating a type of Third World labor economy by underutilizing our work force and increasingly hiring only temporary, part-time and seasonal workers. The majority of those temporary workers are women, forced to string together several such part-time jobs to feed, clothe, and shelter their families. It is obvious that such a work force does not offer much in the way of stability, benefits, or promotions.

Second, the hearing highlighted one of the most glaring problems facing women in our society today, the feminization of poverty. Today we are experiencing an ever-growing disparity between the classes in our country, with the numbers of those impoverished continuing to increase. Already 65 percent of those in poverty are women and children. We must do something to reverse this trend.

In a similar hearing before that same subcommittee in October of last year, I spoke on the topic of "Women and the Workplace: The Glass Ceiling." Glass ceilings refer not to barriers to entry into the job market, but rather to the artificial barriers that impede advancement opportunities in the workplace. Those barriers for women include discrimination based on ignorance, gender stereotyping, and sexual harassment.

These glass ceilings have segregated women into constrained segments of the work force, otherwise known as pink ghettos, where low wages, low benefits, and limited advancement are the norm. A study conducted just 3 years ago indicated that 60 percent of professional women worked in the traditionally female occupations of teacher and nurse, while only 9 percent of working women served in nontraditional jobs. Furthermore, of the Fortune Services 500 industries, women comprise 61 percent of all employees, but only slightly more than 4 percent are corporate officers. Surely we can do better than that. It is our responsibility to open these doors that have been long closed to women capable of performing at these top levels; we must shatter those glass ceilings.

In addition to limitations on the level to which they can rise in the work force, there is strong evidence for a pay gap dividing employees along gender lines. Indeed, even today, women still earn significantly less than their male counterparts. On the

whole, women earn only 72 cents for every dollar a man earns. And, even more disturbing, is the fact that the differential between those countries who have closed the pay gap, such as Sweden and Norway—where women earn 85–90 percent as much as their male counterparts—and those who have not, such as the United States and Switzerland—where women continue to earn only 68–72 percent as much as men—is continuing to widen. We cannot have true equality in the workforce until we account for that gap and make a concerted effort to bridge it.

Another issue vital to women in the workforce is the question of family medical leave. The dynamic evolution of our work force over the course of the past several decades requires that we address this situation if we are truly desirous of equality in the workplace. While there are examples of some businesses acting voluntarily to assist working parents in this area, most have not. In 1989, some 15.2 million women in the United States had no health insurance from any source, with women in the traditionally female occupations uninsured at rates of 6–30 percent. We must do what we can to assist those struggling to balance the responsibilities of work and family. The Senate's passage of the Family and Medical Leave Act is a good start, but our efforts must not stop there. It is not right that many hard-working Americans risk losing their jobs if they take leave to care for a new baby, a sick child, or an aging parent.

In order to do justice to those women honored during Women's History Month, those who blazed new trails and played vital roles in the development of our society, we too must blaze new trails and reform the inequities in our labor system. While the achievements of those women in the past are made even more remarkable by the recognition that they came as part of a struggle against the tide of discrimination, it is our responsibility today to insure that an equitable labor system is our legacy. Glass ceilings, pay gaps, and feminization of poverty are not the marks of a free and democratic society and for that reason have no place in the United States in the 1990's. Women represent a tremendous potential strength in the work force, yet, for the most part, we have not yet begun to fully cultivate their capabilities. In short, we must give women the opportunity to contribute without placing limitations on those opportunities. Rather, we must provide a system worthy of the democratic and egalitarian ideas upon which America was founded. Such as honor as Women's History Month must not be merely a symbolic reference to contributions of women in the past, but also a reminder of the changes our present system begs for. The time has come when we must truly heed the call of our Nation's Founders when they demanded liberty and justice for all.●

ATTACK SUBMARINES

● Mr. D'AMATO. Mr. President, for the foreseeable future, attack submarines will continue to play a crucial role in maintaining freedom of the seas. In earlier remarks, I suggested that Congress would have to artfully fund spares, repairs, modifications, backfits, and stockpiles, in order to generate enough work to preserve the core technologies, facilities, and talent required to design and build the Centurion, the next-generation attack submarine.

One retrofit we should consider this year is replacing the steel sonar bow dome of older *Los Angeles*-class submarines with a composite, so-called glass-reinforced plastic [GRP], sonar bow dome. GRP sonar bow domes, currently installed on some *Los Angeles*-class submarines, and destined for both the *Seawolf* and *Centurion*-classes, are 10 tons lighter, and have better acoustic properties, than comparable steel sonar bow domes.

Were Congress to institute such a backfit program, it would: First, sustain the sole manufacturer of GRP sonar domes, a contractor 100 percent dependent on submarine work, second, afford a modest amount of additional shipyard work, and third, recapture lost weight, which, when combined with the remaining design weight margin of early 688-class subs, provides an opportunity for retrofitting improvements, such as the wide aperture array or the intelligence collection package unique to retiring *Sturgeon*-class subs.

Pearl Harbor, Mare Island, Portsmouth, Norfolk, Charleston, and, potentially, Electric Boat, Newport News, and Puget Sound could all handle a GRP retrofit program during regular shipyard availabilities. In fact, the backfit could probably be accomplished during selected restricted availabilities by shipyard tiger teams in 688-class sub homeports.

The upgrade program I have just outlined is one of many that we could undertake to maintain the submarine vendor base. I am heartened by the fact that the Navy is reportedly considering just such a backfit in its POM94 process, and I look forward to its appearance in the fiscal year 1994 Defense Department request. In the meantime, Congress should seriously consider undertaking the GRP sonar dome retrofit program this year.●

TURKEY'S POLICIES REGARDING ITS KURDISH CITIZENS

● Mr. DECONCINI. Mr. President, I rise today to voice concern over the situation in southeast Turkey which has seemingly degenerated in recent weeks to a state of civil war. The recently elected Prime Minister of Turkey, Suleyman Demirel stated that a resolution of the Kurdish situation would be a top priority of his government. During a much publicized trip to the Kurdish area of Turkey last year he reached out to Turkey's Kurdish citizens, offering them greater cultural autonomy and promising increased economic development. Mr. Demirel's government has removed obstacles to printing Kurdish publications and has lifted other restrictions on the use of the Kurdish language hoping that increased cultural autonomy would diminish support for Kurdish PKK terrorists attempting to form their own state.

Unfortunately, Mr. Demirel's efforts to address the Kurdish situation have not resulted in a reduction of tensions. Instead, massive discontent has erupted in southeast Turkey, and the level of violence between security forces and terrorists has taken an increasing and unacceptable toll of innocent lives. While the tactics of the PKK terrorists are abhorrent, the group appears to be gaining support among a population weary of constant harassment by security forces. Recently, 14 Kurdish deputies withdrew from the ruling coalition in the Turkish Parliament to protect the Government's policy toward Kurdish citizens. The new Government of Turkey and its program of wide ranging democratic reforms now appear jeopardized by the chaos and destruction in the southeast.

Turkish military incursions into northern Iraq, ostensibly to attack PKK bases, have, in fact, also killed civilians who do not support the PKK. Actions taken by security forces against terrorists have been heavy-handed and have served to further incite the Kurdish population and destabilize the entire region. Turkey's NATO ally, Germany, has recently halted shipments of arms to Turkey because of Turkey's use of German equipment for offensive purposes against the Kurds. Germany has announced its intentions of raising the Kurdish issue during the Conference on Security and Cooperation meeting taking place in Helsinki.

Mr. President, it is in the best interests of all parties that extreme caution be exercised by the Turkish Government as it continues to counter the efforts of the PKK. While Turkey, and indeed, all nations have a right to protect the security of their citizens and the sovereignty of their borders, Turkey is also obligated to protect the human rights of its citizens. Unfortunately, as the PKK has stepped up its violent attacks, the human rights of civilians in the southeast are becoming increasingly threatened by the increasingly violent actions of security forces.

This is particularly regrettable because, under President Demirel's leadership, the Government of Turkey has taken several important steps toward

improving the civil and human rights of its citizens. This process must continue and the implementation of reform measures should be vigorously enforced at all levels of Government. The actions of the PKK terrorists are deplorable, yet the Turkish Government should move even more swiftly and earnestly to protect the legitimate human and civil rights of its citizens and ensure that its security forces act according to international and democratically established procedures. Violence only begets violence and support for the PKK may grow unless President Demirel takes decisive action to protect the rights of all of Turkey's citizens.●

ANTI-SEMITISM IN MOLDOVA

● Mr. SIMON. Mr. President, as you well know, even as the peoples of the former Soviet Union take their first breaths of free air, minorities throughout the newly created Republics live in constant fear of oppressive majority elements. For the past several weeks, I have highlighted the reemergence of anti-Semitism in Russia and Ukraine, and today I turn to the situation confronting Jewish citizens in the Republic of Moldova.

The ethnic and political scenario for Jews in Moldova is much more complex than in many of the other nations of the Commonwealth of Independent States. Moldova, considered in conjunction with neighboring Romania with whom ties were extremely strong prior to the 1940's, has a historically significant level of anti-Semitism. Also, the economic situation in Moldova is by far one of the worst in the states of the former Soviet Union, and the chaos of recent economic events have renewed fears of violence against minority groups, who are scapegoated for the financial problems.

What is more, Moldova has been at the forefront of the nationalistic movements among the newly independent states, and their nationalism has increasingly become a movement of exclusion, rather than inclusion, for many minority groups, among them Russians, Gagauzis, and Jews. Finally, there appears to be evidence of governmental anti-Jewish sentiment confronting Jews attempting to emigrate to both Israel and the United States. There are numerous cases exemplifying the Government's refusal to permit emigration on the basis of arbitrary reasons that can only be understood as anti-Jewish policy.

However, anti-Semitism in Moldova over the past few years has not been as evident as the outbreaks of violence, graffiti, and desecration so readily apparent in other regions. Rather, in this region, anti-Semitism is akin to a slumbering giant; it casts a lingering shadow over the hopes and aspirations of the remaining Jews, yet it does not appear as an immediate problem.

A brief overview of the history of Jews in Moldova will paint an interesting picture. By the close of the 19th century, the number of Jews in Kishinev, the capital of Moldova, numbered 50,237, 46 percent of the city's entire population. Two large pogroms in the first 5 years of the 20th century, however, drastically affected the Jewish population both in Kishinev and in Moldova at large. During Easter of 1903, agents of the Ministry of the Interior and the Bessarabian administration in charge of the region initiated a riot and 49 Jews were killed and 500 others were injured. Just 2 years later, mob action against Jewish citizens broke out once again. On October 19–20, 1905, patriots attacked the Jewish quarter of Kishinev, killing 19, injuring 56, and looting large numbers of Jewish shops and homes. In 1941, Kishinev was occupied by German and Romanian forces, who immediately initiated the massacre of the city's Jews, taking the lives of more than 10,000 Jewish citizens. These atrocities are well recorded in the history books.

Just as important though are recent events in Moldova, as they will inevitably affect that country's Jews. Moldova's declaration of independence of August 27, 1991, was immediately followed by secession proclamations by Moldova's Gagauz and Dnestr Valley Russian minorities. The relevance of these movements to the Jewish population is that they highlight a fear among many minorities of the possible reunification of Moldova and Romania, which have been linked as a region known as Bessarabia in the past.

Jews, through their experience of the heinous acts that Romanians have perpetrated against them in the past, give rise to fears of this reunification, which Romanian President Ion Iliescu has stated is inevitable. And though the Moldovan Government's official stance has backed away from its highly emotional sympathy for reunification, there are strong elements urging the reunion. What all of this means for minorities at present is not certain, but this tenuous situation has given rise to fears among minorities that have carried the country to the brink of war, threatening to divide Moldova along ethnic lines. If that is the case, Jews, who comprise only about 1 to 2 percent of the Moldovan population could be caught in the middle.

Aside from these fears of the possible reunification of Moldova and Romania and the anti-Semitic violence that may be born from it, there are very real instances of anti-Jewish sentiment at present. I have received letters from Moldovan Jews pleading to be saved from the anti-Semitic violence that threatens their very lives. Perhaps most poignant is a letter from Torbina Michaylovna, whose family is the last remaining Jewish family in their village. She wrote:

> On the evening of October 7, 1989, (at) about 11:30 p.m. two (people) in black masks rushed into our house * * *. It is difficult for me to write, the tears fill my eyes. They killed my mother, but she saved all of us. They tried to kill my (one-year old) baby, but I covered him with my body and they hit me on the head believing that they had killed me * * *. We continue to live in constant fear for our lives and those close to us * * * nobody cares about us * * *.

And this is not an isolated incident. In a poll of 500 Jewish leaders in December 1989, 93 percent of those who responded had personally experienced some manifestations/displays of anti-Semitism in the past 6 months in Moldova. In addition, over half of those polled expressed their feeling that there is a possibility in the near future of a flare of anti-Semitism with accompanying acts of brutality. As one Soviet Jew wrote in his letter to a staff member at the Center for Human Rights Advocacy, "And now we feel as if we lived on a volcano expecting a new break of violence any moment. And Jews, as you know, are to blame for everything."

Most important, though, there are a number of Moldovan Jews who have been experiencing great difficulties in their attempts to emigrate. Several of these Jewish citizens, such as Gagarina Bystrik, Karmanova Finkel, and Sovetskoy Gospas have been trying to secure permission to emigrate for over 10 years, but have been refused on completely arbitrary grounds. In other cases, such as that of Gennady Blumin, Jewish citizens, have been subject to extralegal prosecution, merely for their desire to emigrate. Mr. Blumin, who has been held in jail for over a decade for the offense of using Government supplies to make beach bags for private sale, was never questioned during the investigation, was denied the right to be present at his trial and was given a 12-year sentence for what is normally a 4 to 5 year crime. All of this has led many to the conclusion that Mr. Blumin's expressed interest to emigrate has brought the wrath of anti-Jewish sentiment to bear down upon him.

There are growing accounts of the Moldovan Government's willingness to support the remaining Jewish population. According to Aleksandr Brodsky, the editor of the newspaper Nash Golos, a home for elderly Jews will be founded, there will be a department of Judaica at the university, former prisoners of ghettos and concentration camps will be given the status of disabled veterans and food aid for poor Jews will be given during the winters. And, recently, Moldovan President Mircha Snegar issued a statement pledging his support for these and other Jewish cultural projects.

Nevertheless, as Moldova stands on the brink of civil war between several ethnic interests, many view President

Snegar's declaration as a symbolic political move indicative not of Moldova's concern for the Jews, but rather for international opinion about the treatment of minorities.

So, despite these latest attempts by the Moldovan Government, the specter of anti-Semitism stands as clearly today as ever. We cannot stand idly by; now is the time for action to help not only the Moldovan Jews, but also Jews throughout the former Soviet Union as they struggle to escape the grasp of anti-Semitism that has so long held them in its grip.●

INDIVIDUAL RETIREMENT ACCOUNTS

● Mr. D'AMATO. Mr. President, in recent weeks, with the Presidential campaign heating up, the American people have made it clear that things are not rosy outside the beltway. One way we inside the beltway can help those outside is to allow the use of IRA funds for homeownership and higher education investments. In addition to allowing the use of IRA funds for homeownership and higher education investments, I believe we must also permit parents and grandparents to invest their IRA funds in homes and education for their children and grandchildren. By doing so, we will not only provide relief to the hard-working middle class, we will help to stimulate the national savings and investment rate and give our sluggish economy the shot in the arm it needs.

On August 2, 1991, I introduced S. 1680, the Family Home Investment and Education Plan Act, cosponsored by my colleagues, Senators DODD, GARN, SEYMOUR, STEVENS, COCHRAN, and BROWN.

I come before you today because I truly believe that our bill will return a much needed and wanted savings tool to the American people, in addition to providing a unique approach to increasing the flexibility of individual retirement accounts [IRA's].

In the past few months, we have witnessed a number of legislative proposals designed to increase the flexibility of IRA's; some of which I have cosponsored. However, none of these proposals is as unique as the Family Home Investment and Education Plan Act because it provides a dynamic way of using IRA's to make housing and college education more affordable. Quite simply, this bill would allow individuals and family members to use funds within their IRA accounts to make a first-time home purchase or to fund tuition and other higher education expenses. Moreover, what makes this bill so unique is that it will give parents and grandparents an alternative method of providing financial assistance to their children and grandchildren. Most importantly, it will be accomplished at no cost to the Treasury.

Affordability of housing and a college education is a serious problem today for middle-class Americans. Data released from the 1990 census showed a drop in the rate of national homeownership in the last decade. This was the first decade since the Great Depression that homeownership declined. This problem is particularly acute in my home State of New York. According to the census data, New York ranked last among all 50 States in the level of homeownership, with just 52.2 percent of New York residents owning homes. Similarly, as college tuition costs continue to outpace inflation, the goal of obtaining a college degree becomes an increasingly elusive target.

We in Congress need to take decisive action to deal with these issues. At a time when the price of a single family house and the cost of a college education are racing beyond the means of many lower and middle-class families, our legislative proposal would free up the use of a major source of savings that is currently inaccessible. Opening up this source of funds is a critical step in addressing this affordability crisis.

To see why our bill is so dynamic, consider other legislative proposals in Congress dealing with this subject. A number of bills have been introduced which waive the 10-percent penalty for premature withdrawal for first time home purchase, higher education expenses, and devastating medical expenses. I am a cosponsor on three such proposals, S. 612 (BENTSEN), S. 1920 (KASTEN), and S. 1984 (SPECTER/DOMENICI).

While waiver of the penalty is helpful, early withdrawal would still be very expensive since individuals who withdraw their IRA funds must still pay income taxes on the amount withdrawn. For taxpayers in the highest Federal tax bracket, early withdrawal could result in income taxes of as much as $3,100 on a withdrawal of $10,000. Consequently, the funds available for use would be significantly reduced for the intended purpose. As a result, penalty waivers are limited in their effect in easing the burden of housing or higher education costs.

The Family Home Investment and Education Plan Act is an effective alternative. Under this bill, individuals can make investments for first time home purchases or higher education expenses within an IRA. The owner of an IRA account directs the IRA custodian to use funds for either of two narrowly prescribed activities by such owner or family member. There is no early withdrawal penalty and most importantly, there is no income tax levied. When the investment or loan is repaid, the funds remain within the IRA for reinvestment.

Here is how our bill works. The owner of an IRA account directs the IRA custodian to use funds for either of two narrowly prescribed activities by such owner or family member. The first is the purchase or construction of a primary residence for use for a first time home buyer. The second is for paying higher education expenses.

The funds can be used either as an equity investment or as a loan. Under the equity investment approach, an individual could use funds within an IRA to make a downpayment on the purchase of a first home. Alternatively, a parent or grandparent could assist a child or grandchild in making such a downpayment. Under the loan approach, IRA funds could be used as a loan to a child or grandchild, either in assisting with a first time home purchase or for higher education purposes.

In all cases, the funds would simply be another form of investment, similar to stock mutual funds or certificates of deposit. The investments or loans would be structured as an arm's length business transaction. When the loan or equity investment is repaid, the funds remain—still tax deferred—within the IRA account of the investor.

Why is this legislation necessary? Under the existing Tax Code, there are a number of prohibited transactions within an IRA account. These include investing in one's own home or making a loan or investment on behalf of a child or grandchild. Our bill would provide a narrow exemption to the list of prohibited transactions.

And for good reason. Consider the following: Any American today can invest IRA funds in a mutual fund consisting of GNMA securities. In effect, this is an investment in a pool of mortgages of single family homes. Thus, under current law, an American can invest in a loan for anyone else's home, but not his own, or that of his parent's or child's. This is arbitrary and unfair. After all, the IRA Program was established to promote long-term savings to ease the financial condition of retirement. Historically, investment in one's own house has proven to be the single most effective source of retirement wealth for middle Americans. Thus, preventing Americans from investing in their own home is contrary to the very purpose of IRA legislation.

Finally, I would like to emphasize that this legislation would not increase the budget deficit. Under our bill, there is no forgiveness of the taxes otherwise deferred through an IRA account, nor is there a loosening of eligibility standard for investing in an IRA. What this bill does is to free up the use of a large pool of funds for important activities which promote financial security and occupational mobility.

Therefore, I again urge my colleagues to join me in this effort to increase home ownership and the attainment of higher education by cosponsoring S. 1680.●

CORO FOUNDATION 50TH ANNIVERSARY

• Mr. CRANSTON. Mr. President, I rise today to recognize the Coro Foundation on its 50th year anniversary. The Coro Foundation, a nonpartisan public affairs development institution, was founded in 1942 with the goal of strengthening the quality of decision-making by preparing individuals for effective, ethical participation in the public affairs arena.

The Coro Foundation Fellowship Program is a full-time, graduate level program. Every year 12 men and women are named fellows at each of the four Coro Centers in San Francisco, Los Angeles, St. Louis, and New York. They complete at least five working field assignments, including a Government agency, political campaign, community-based organization, labor union, and corporation. In addition, fellows have special study weeks that include media, communications, State governments, and group and individual public service projects that encompass such public concerns as housing, economic development, health care, education, and corporate social responsibility. Coro also has other programs which develop responsible leadership among high schools students, midcareer executives, and senior citizens.

Today over 3,500 Coro graduates are in leadership positions in virtually every area of Government, business, and community service. Among others, they include the former mayor of San Francisco, two Members of Congress and numerous Federal officials, local, State, and national elected officials. In addition, Coro graduates have served in every Presidential administration since 1960. Two current members of my own staff, Alan Thomas and Irene Bueno, are Coro graduates. They both demonstrate the very fine qualities which the Coro Foundation is dedicated toward promoting. I am also proud that a third member of my staff, Julie Martinez, has just been accepted into the Coro Program.

Mr. President, on the occasion of its 50th anniversary, I would like to commend the Coro Foundation's unique efforts in developing future leaders and strengthening our communities.•

LIBRARY LEGISLATIVE DAY

• Mr. SIMON. Mr. President, today is Library Legislative Day on Capitol Hill. Librarians, scholars, and educators from across the country will be doing all they can to ensure that we continue to support our Nation's libraries. It is my hope that the White House—and all of us here in Congress—will listen closely to what they have to say.

Many may not realize the vital role our libraries can play in helping to get us out of our current economic difficulties. During these days of layoffs, trade imbalances, and generally troubled economic times, we in Government need to refocus our attention toward educating America and making us competitive in the global marketplace. The key to getting out of the economic mess is to convert to a high-wage, sustained growth economy in which education and job training are the cornerstones.

Unfortunately, the White House has not gotten the message, and the President's rhetoric has not matched reality. Four years ago, President Bush said he wanted to be the education President. Seven months ago, in an address to the White House Conference on Libraries and Information Services, the President said that libraries stand at the center of efforts to strengthen education. President Bush called Federal support for libraries a bargain, and said that "our libraries serve as the schoolrooms for lifetime learning and the launch pads for our future." Yet despite these strong expressions of support, the President's recent budget proposal seeks to gut nearly all Federal support for libraries.

The President was right then, his budget is wrong now, and the cuts he has proposed would scrub the library mission on the launching pad.

In his fiscal year 1993 budget, President Bush proposes a 76-percent funding cut from last year's $147.75 million appropriation. I am pleased that the budget does include $35 million for library-related adult literacy efforts; I am troubled, however, by the President's failure to fund any of the other programs authorized under the Library Services and Construction Act [LSCA], the Federal Government's basic library support program. The White House proposal would eliminate funds for public library services, library construction aid, foreign language materials, college library technologies, and library research.

Last December, the administration indicated to me that the President would follow through on his expressions of support for our libraries. Responding to a letter I sent to the Secretary of Education in July, Acting Assistant Secretary of Education William D. Hansen reasserted the administration's support for libraries, and said that libraries must be included among the resources needed "to help us achieve the National Education goals related to school readiness, literacy, and lifetime learning." Maybe they are getting their signals crossed at 1600 Pennsylvania Avenue, but a 76-percent cut in library funding does not sound like much of a commitment to an America already struggling to educate and ready itself for the jobs of tomorrow.

Mr. President, according to a January 31, article in the Washington Post ("The Fiscal '93 Budget, Imitating Life, Has Winners and Losers," p. A-17), the Education Department believes that public library funding is no longer needed. The Education Department asserts that now that citizens across the country have access to library services, the need for continued Federal support is exhausted. All this despite grave concerns cited in the Post article, and echoed by librarians everywhere, that budget problems are keeping libraries from updating their collections and modernizing their operations. Chances are the librarians you meet with today will confirm this, and will tell you that the President's proposed budget would force many libraries to close their doors, or at least further reduce staff sizes and hours open to the public.

I recognize that Federal library funding has always been a relatively small budget item, but it is enough to make a real difference in quality. The White House may think that library funding is such a small part of a $1.52 trillion budget request that nobody will every notice. But if Congress does not remedy the problem in the appropriations process, communities across the country will surely notice.•

REPRESENTATION BY SENATE LEGAL COUNSEL AND TESTIMONY AND DOCUMENT PRODUCTION BY SENATE EMPLOYEES IN PENDING CASE

Mr. SASSER. Mr. President, on behalf of the majority leader and the distinguished Republican leader, I send to the desk a resolution on representation by the Senate legal counsel and authorization of testimony by Senate employees and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 282) to authorize testimony, the production of documents, and representation in United States v. Slawomir Borowy.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in *United States* v. *Slawomir Borowy*, Cr. No. M14939-91, a criminal case pending in the Superior Court for the District of Columbia, the United States has charged the defendant, who is not a Senate employee, with unlawful entry, arising out of his refusal to leave the Senate copy center in the Hart Building.

William Fowble, a Senate employee who works in the copy center, has been subpoenaed to testify as a witness in the trial of this case. The following resolution would authorize the testimony of Mr. Fowble, and any other Senate employees whose testimony is required in connection with this proceeding. It

would also authorize representation by the Senate legal counsel should the need arise with respect to subpoenas for testimony or for the production of documents.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 282

Whereas, in the case of United States v. Slawomir Borowy, CR. No. M14939-91, pending in the Superior Court of the District of Columbia, the United States has caused to be issued a subpoena for the testimony of William Fowble, an employee in the Senate Service Department;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That William Fowble and any other employee of the Senate from whom testimony may be necessary are authorized to testify and to produce documents in United States v. Slawomir Borowy, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent William Fowble, and any other employee, officer, or Member of the Senate in connection with United States v. Slawomir Borowy.

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

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

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the second session of the 102d Congress, to be held in Boca Raton, FL, April 9–13, 1992: the Senator from Idaho [Mr. SYMMS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Montana [Mr. BURNS].

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 a.m., Wednesday, April 8, and that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 11:05 a.m., with Senators permitted to speak therein for up to 5 minutes; that Senator GORE be recognized for up to 1 hour, with the time from 9:30 to 10:30 a.m. under the control of the majority leader or his designee; that Senator MCCAIN be recognized for up to 20 minutes, that Senator GORTON be recognized for up to 10 minutes, and Senator KASSEBAUM be recognized for up to 5 minutes; that at 11:05 a.m. the Senate resume consideration of Senate Concurrent Resolution 106.

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

RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. SASSER. 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 6:50 p.m., recessed until Wednesday, April 8, 1992, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 7, 1992:

THE JUDICIARY

RICHARD G. KOPF, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE WARREN K. URBOM, RETIRED.

JAMES S. MITCHELL, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF LABOR

MARVIN H. KOSTERS, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, UNITED STATES DEPARTMENT OF LABOR, FOR A TERM OF 4 YEARS, VICE JANET L. NORWOOD, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

CARL W. VOGT, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1996, VICE JAMES L. KOLSTAD, TERM EXPIRED.

CARL W. VOGT, OF MARYLAND, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF 2 YEARS, VICE JAMES L. KOLSTAD, TERM EXPIRED.

MISSISSIPPI RIVER COMMISSION

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE POSITIONS INDICATED, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (33 USC 642):

To be a member and president of the Mississippi River Commission

BRIG. GEN. PAT M. STEVENS, IV, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (33 USC 642):

To be a member of the Mississippi River Commission

BRIG. GEN. ALBERT J. GENETTI, JR., [redacted] U.S. ARMY.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. AUGUST M. CIANCIOLO, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES P. OTSTOTT, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BILLY M. THOMAS, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM W. CROUCH, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JERRY R. RUTHERFORD, [redacted] U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THIS OFFICER IS ALSO BEING RECOMMENDED FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISION OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL.

JUDGE ADVOCATE

To be lieutenant colonel

WILLIAM B. BEAZLEY, [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385.

ARMY PROMOTION LIST

To be colonel

SIDNEY C. FRANCISCO, [redacted]
GILBERT A. GALLEGO, [redacted]
WALTER R. GAY, JR., [redacted]
DONALD L. LAFLIN, [redacted]
BENNET C. LANDRENEAU, [redacted]
ROBERT L. MCGUIRE, [redacted]
THOMAS P. THOMAS, JR., [redacted]
HAROLD E. WINGARD, [redacted]

MEDICAL CORPS

To be colonel

JOSEPH A. SIEGEL, [redacted]

MEDICAL SERVICE CORPS

To be colonel

WILLIAM MCCORMICK, [redacted]

ARMY PROMOTION LIST

To be lieutenant Colonel

STANLEY R. BEITER, [redacted]
ORLAN K. BOYD, JR., [redacted]
DON E. COWART, [redacted]
DAVID N. DUNAGAN, [redacted]
CHARLES T. GRANADE, [redacted]
HARRISON U. JACK, [redacted]
IVAN M. JONES, JR., [redacted]
JOE D. MCDOWELL, [redacted]
NORBET L. MOHNEN, [redacted]
JAMES A. MOYE, [redacted]
RICHARD C. NASH, [redacted]
BARRY D. PARSONS, [redacted]
NAPOLEON O. PISANO, [redacted]
MICHAEL R. PUCA, JR., [redacted]
TONEY L. ROMANS, [redacted]
DONALD D. SCHUSTER, [redacted]

MARVIN R. SCHUTZ, xxx-xx-x...
LILBURN G. SMITH, xxx-xx-x...
ARTHUR J. SOSA, xxx-xx-x...
THOMAS D. THURY, xxx-xx-x...
ROBIN C. TIMMONS, xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

ROBERT T. GARBACZ, xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

FRANCIS E. TRAXLER, xxx-xx-xx...

PN9095 IN THE ARMY (75)

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

ERNEST F. BIVONA, xxx-xx-x...
CLAUD A. BROWN, SR., xxx-xx-x...
LARRY J. BROWN, xxx-xx-x...
MURDOCK CULLINANE, xxx-xx-x...
JOSEPH H. EDIN, JR., xxx-xx-xx...
RANDAL A. ERWIN, xxx-xx-x...
ALLAN R. GINSBERG, xxx-xx-x...
JOHN E. MCKEMIE, xxx-xx-x...
GEORGE W. PETTY, xxx-xx-x...

CHAPLAIN

To be colonel

RONALD J. CARR, xxx-xx-x...
THOMAS W. ELSEY, xxx-xx-x...
DAVID M. NOLTE, xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

ELWIN H. LANGE, xxx-xx-x...

ARMY PROMOTION LIST

To be lieutenant colonel

STEVEN P. BEST, xxx-xx-xx...
CHARLES BLOODWORTH, xxx-xx-x...
EARL A. COOPER, III, xxx-xx-xx...
HOWARD B. DODSON, xxx-xx-x...
JAMES R. DUNLAP, xxx-xx-xx...
CHARLES K. EBNER, xxx-xx-x...
ALAN A. ECKE, xxx-xx-x...
STEVEN R. HEALD, xxx-xx-x...
ROBERT W. HEBBS, xxx-xx-x...
LATHAM C. HORN, xxx-xx-x...
MICHAEL K. JELINSKY, xxx-xx-xx...
CLINTON D. KIRK, xxx-xx-x...
LARRY L. LANGHAM, xxx-xx-x...
DELBERT M. LARSON, xxx-xx-x...
JOHN C. LEVASSEUR, xxx-xx-x...
KENNETH E. MADDEN, xxx-xx-x...
DONALD G. MATTINGLY, xxx-xx-x...
WILLIAM N. MCGILL, xxx-xx-x...
PAUL W. MEYER, xxx-xx-x...
BRUCE D. MOORE, xxx-xx-x...
RONALD A. MORRELL, xxx-xx-x...
DAVID J. MUMMA, xxx-xx-x...
LARRY R. MYERS, xxx-xx-x...
WILLIAM R. PIPER, xxx-xx-xx...
ORVIN S. ROBERSON, xxx-xx-x...
JOHN R. SANDEFER, xxx-xx-xx...
GLORIA J. SOLIS, xxx-xx-xx...
TERRANCE STEFANSKI, xxx-xx-xx...
ANDREW C. TIMMERMAN, xxx-xx-x...
CAROL S. ULINE, xxx-xx-x...
THOMAS J. WEISS, xxx-xx-x...
HAROLD D. WILLIAMS, xxx-xx-x...
MICHAEL D. WILLIAMS, xxx-xx-x...
KEVIN G. WILSON, xxx-xx-x...
HENRY WYSOCKI, xxx-xx-x...
KERRY K. YEN, xxx-xx-x...
NATHAN M. YOSHIZAKI, xxx-xx-x...
ROBERT E. YOUNG, xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

STANLEY FLEMMING, xxx-xx-x...
ROBERT F. HAMBAUGH, xxx-xx-x...
TONY L. WALDEN, xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

WILLIAM S. BERNFELD, xxx-xx-xx...
WILLIAM F. GREGOR, xxx-xx-x...
WILLIAM D. HEGMANN, xxx-xx-x...
THOMAS S. WILSON, xxx-xx-x...

VETERINARY CORPS

To be lieutenant colonel

ELRY E. PHILIPS, xxx-xx-xx...

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

CLAYTON D. FLOYD, xxx-xx-x...
JOHN J. FULLER, xxx-xx-xx...
WILLIAM H. GILL, xxx-xx-x...
GENE A. KAPLAN, xxx-xx-x...
JOE W. KNICKMEYER, xxx-xx-x...
VANCE L. MARSH, xxx-xx-x...
RICHARD J. MCGURK, xxx-xx-x...
GILBERT G. SPENCER, xxx-xx-xx...
SPENCER A. STAMY, xxx-xx-x...
THEODORE THOMPSON, xxx-xx-x...
WILLIAM W. TREMPER, xxx-xx-x...
EDDIE B. WALDRIP, xxx-xx-x...
MICHAEL J. WILTON, xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

PABLO I. ALMODOVAR, xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

STEPHEN R. NORTON, xxx-xx-x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

ARMY PROMOTION LIST

To be lieutenant colonel

DALE A. DOUGLASS, xxx-xx-x...

EXTENSIONS OF REMARKS

INSURANCE FIRMS ARE DUMPING SICK PEOPLE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. STARK. Mr. Speaker, we need national health care insurance reform. Anyone who questions that statement should read the following excellent article by Jayne Garrison in the Sunday, April 5, 1992 San Francisco Examiner and Chronicle:

HEALTH CARE CRISIS: FIRMS ARE DUMPING SICK PEOPLE

(By Jayne Garrison)

Helen Konowitz was newly married and contemplating children when she first wondered whether her Kaiser health plan would satisfy a growing family.

A friend told her about a terrific insurance policy offered through the UC-Berkeley alumni association: reasonably priced, a safe group policy, offering a wide choice of doctors. Helen and Gary Konowitz bought.

Several years later, their baby son, Michael, had a stroke—and their reasonably priced policy became one of their most costly investments ever.

Today their health insurance costs $13,020 a year.

"If we want any insurance of Michael, we're stuck," she said, watching her boy play with toys on the floor of their Marin County home. "But at some point we're going to throw up our hands and say, how much longer can we pay this type of money?"

The Konowitzes are caught in a practice that is stripping health insurance from families across America. Some insurers are separating the sick from the healthy, then raising rates until the sick can no longer afford their coverage.

The practice is expanding to people on larger policies, once thought to be more secure than individual insurance. And it is being applied to people with less serious, though chronic, illnesses.

Critics dub this trend "divide and dump."

"Insurers are trying to segment everyone who needs insurance the most and get them off the policies," said Dr. Philip Lee, director of the Institute of Health Policy Studies at UC-San Francisco.

"It's widespread. It's getting worse. And it's undermining the whole health insurance system."

No one knows exactly how many Americans risk being dumped off their health insurance policies. The Health Insurance Association of America says such creaming of the healthy from the sick is "atypical."

But university researchers believe the number is rising dramatically. Economists say 34 million to 37 million Americans have no health insurance.

Now, a new national survey by the Kaiser Family Foundation found that 5 percent of working adults—6.8 million people—say they have been denied health coverage because of a medical condition in the last two years. And 6 percent—8.2 million people—said at least one member of their family has been dropped by their insurer in that period.

Even for those who can pay the spiraling premiums, health insurance is becoming "no more than a credit card," warns Alan Katz, head of the California Association of Health Underwriters, which advocates legal reform.

In essence, he said, some insurances are saying, "'You go into the hospital, we'll pay your bills. But come renewal time, we'll raise your premiums to cover that bill. You'll pay us back in installments.' It's no longer insurance."

Health economists say the practice of weeding the sick from the well began, on a tiny scale, back in the 1950s when some commercial insurances started rejecting less-healthy people from individual policies.

It spread to larger group policies offered by associations in the late 1980s, when rising medical costs led many major corporations to self-insure their own workers, and caused others to switch in droves to cheaper health maintenance organizations such as Kaiser or Bay Pacific.

Those who remained behind on traditional commercial insurance plans were, often, less healthy, with a history of medical problems. No other insurer would take them. For families such as the Konowitzes, the choice is simple and grim: Pay high premiums or risk going without health insurance altogether.

AN AMERICAN TALE

The Konowitzes are being slowly squeezed off their policy because Michael, now 5, had two strokes as a toddler: one when he was 18 months old and one when he was 3.

His therapy bills topped $80,000, treatment that could have bankrupted the family. His neurologists cannot explain why he had the strokes. Nor can they guarantee he will never have another stroke. But they do say the odds are even that he will not suffer a repeat.

He enters kindergarten this fall as a bright boy who has had only the normal tumbles and colds for the past two years. He has just started ski lessons. But his medical history renders him uninsurable in today's market.

The policy the Konowitzes bought in 1983 was advertised as a group plan available to UC alumni who weren't getting insurance through their jobs. The price: about $700 a year.

Gary Konowitz was just beginning his own business as an accountant. Helen Konowitz, who worked as an accountant, wanted to stay home after she had children. The policy seemed designed for families like theirs, she recalls.

In 1988, the premium escalated about 40 percent. The administrators of the plan, Association Consultants Inc. of Chicago, told members it was having trouble finding an insurance company that would take the group. ACI invited members to reapply for a new, cheaper policy.

"MEDICALLY UNDERWRITING"

But when Helen Konowitz phoned to inquire, she was told the insurer of the cheaper plan was "medically underwriting," a term that means people with medical problems are excluded.

"Without ever directly saying, 'No, we won't accept you,' they made it very clear there was no hope of our ever being put in that group," she said.

She called other insurers and brokers. One told her they might insure Michael as a teenager if he had no medical bills for 10 years. Gary Konowitz considered abandoning his own business and going to work for a corporate client—until he learned that they, too, required medical underwriting before accepting employees on their policy.

In 1990, the Konowitzes received notice that their premiums were rising to $14,000 a year. Gary Konowitz dropped off the policy, bringing the premium down to $9,068—but only temporarily.

Today the Konowitzes pay $11,400 a year just to insure Helen and Michael. Gary Konowitz has a separate policy through a different company for $1,620 a year, bringing their total annual health insurance expenses to $13,000.

Helen Konowitz said she doesn't know how long they can afford the policy, particularly if rates keep rising. In search of some safety, she said her husband may find a job with a large corporation, if he can find one that will take Michael on their insurance plan.

IN THE END, LESS DESIRABLE

Herbert Barker, director of the California Alumni Association at UC-Berkeley, said the Konowitzes' plan changed insurers several times, yet kept getting hit with increases because members of the group were getting older. Most members, thousands of graduates from throughout the UC system, had joined in the 1970s.

In a desperate attempt to help some alumni, he said, the associations allowed ACI to offer a new cheaper group plan to those who could qualify. But in the end, that tactic simply made the original group even less desirable to insurers and far more costly to this diminishing membership.

"We felt the insurer was in fact, doing a detriment to our group," Barker said. "But some of our members can't go anywhere else. We can't drop the policy and risk cutting them off."

NO LEGAL PROTECTION

The practice of creaming the healthy from the sick on group plans "is not ethical, not acceptable, but perfectly legal and done all the time," said Walter Zelman, health adviser to California Insurance Commissioner John Garamendi.

Zelman explained that state law forbids insurers from setting different rates for people on the same group plan. But insurers can easily circumvent the law by offering a new policy to group members. Only the healthy are accepted. Soon the original group has been divided into two, three or four groups.

"When only the sick or bad risks are left on the original policy, the price goes through the roof," he said

This has happened with so many policies offered by associations that brokers no longer call insurance sponsored by anyone other than a big employer group plan. Today those policies are called "association insurance" or "franchise insurance" and they are among the riskiest of policies.

• 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.

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"It's a way to get around the protection of state law for individual insurance policies," said Brent Barnhart, lobbyist for Blue Cross of California. "They're sold as large, safe policies, but there's really no one behind them except the insurer. Those who are healthy get a nice plan. Those who aren't end up with nothing."

Some in the insurance industry, such as Barnhart and Alan Katz, are pushing reform of insurance laws to guarantee affordable policies for small businesses and small groups of people.

The bills, now in a conference committee in Sacramento, would not stop insurers from dividing and dumping people on large group policies, Barnhart said. They might, however, take away the market for such predatory practices by making it easier for self-employed people to buy small group policies.

A "FOOLPROOF REFORM"

Other experts, such as state Insurance Commissioner Garamendi and Princeton economist Uwe Reinhardt, say the only foolproof reform is some law that guarantees health insurance for every citizen—funded either by taxes or privately—and regulates the price.

"We have erected everywhere in America the sign: Payment is due at time of treatment," said Reinhardt. "We have allowed the insurance industry to impose an ethic on us that I don't believe we support. It's an ethic that says the patient is a consumer who is opting for treatment, and thus should pay what they use—as if a woman with cancer opts for her condition."

It is a dilemma Helen Konowitz understands, even as it frustrates her. "I know that people who are healthy don't want to pay any more than they have to. I know they don't want to be in groups with sick kids," she said. "But they should know: There, but for the grace of God, go I."

PREMIUMS AFTER HEART SURGERY BREAKING PINOLE MAN'S BUDGET

(By Jayne Garrison)

Health economists warn that insurance is becoming no more than a credit card for medical bills. Patients who were sick pay back the costs, often at what would amount to a staggering interest rate, when their premiums are raised.

No one understands that process more clearly than Allen Sanborn, who owns Chase's Carpet Cleaning in Pinole.

Sanborn, 54, bought a group policy for himself, his wife and two children through the Carpet Cleaners Institute in 1976. The price was right: $852 a year. He figured the policy was more secure than any he could buy as an individual. It covered thousands of small-business owners across California.

For years the premiums rose gradually, within the limits he expected. He paid without complaint.

Then in 1983, Sanborn had bypass surgery to repair arteries to his heart, clogged by cholesterol.

Today, Sanborn has paid about $53,000 in premiums—more than the $35,000 cost of his surgery and his other medical bills combined. He faces annual premiums of about $10,000 just to insure himself. His wife and children dropped off the costly policy four years ago.

By the time he reaches 65 and is eligible for Medicare, he will have paid at least $160,000 to insure his health. That stunning sum is based on the unlikely premise that his rates remain unchanged in the future.

"There seems to be no restriction to what insurers can do," said Sanborn. "They can't cancel me legally, I guess, so they just keep raising the rates until I'm forced to eliminate myself."

A TROUBLED HISTORY

The administrator of Sanborn's policy, Jordan Jones Administrators in Sacramento, didn't return several phone calls from The Examiner. But Sanborn's records reflect a troubled history: Jordan Jones has switched insurance carriers at least five times. Starting around 1988, the insurers began conducting semiannual reviews of medical claims, and raising rates twice a year.

At least twice, the administrator invited people to apply for a new, cheaper group policy. Only the healthy were accepted, leaving people with medical conditions like Sanborn's on the smaller and costlier group policy.

By July 1988, Sanborn's family insurance cost $8,040 a year. He tried to get different insurance. Brokers told him not even to bother applying.

He called United Way, which runs a hot line for small businesses in need of health insurance. They couldn't help him. No one was going to insure a man with a history of heart disease.

So Sanborn dropped his wife, Bess Sanborn, and two children, Shelley and Spencer, off his insurance. The children today are in college and insured by student policies.

His policy, alone, now costs $9,729 a year. Add his children's polices to that, and he is paying $11,109, nearly as much as the mortgage on his home.

"THEY WERE RIDICULOUS"

Bess Sanborn is uninsured and can't find a policy. She has mild hypertension, controlled by medicine. The only insurer even willing to take an application combed her medical records.

"They were ridiculous. She'd once had a yeast infection, and the insurer wanted to exclude coverage for all feminine complaints," Sanborn said. "That's not insurance. That's just a way to rake in money."

The irony of it all, he said, is that his health has been terrific, and his medical bills relatively low, ever since the bypass surgery.

Over the past three years, he has paid about $22,000 in premiums. His insurer has paid $8,532 in medical bills, mostly for minor sinus surgery.

Sanborn figures he could put a down payment on a second house, or make a tidy retirement investment, with the difference between his medical bills and his insurance premiums.

The gamble is tempting, but "very unsettling" for a man with a business, a home, a family—a man with a lot to lose, he said. "What if something big did happen? It's something to keep you awake at night."

So Allen Sanborn will continue to scrape to pay his insurance premiums—until the day they are raised so high he is forced to cancel himself.

"I suppose, if you talk to insurers, they can justify this whole thing under some formula," he said "My group is getting older, or sicker, or smaller. But there ought to be some sort of fair play here. I don't see any fair play."

A TRIBUTE TO J.G.R. & ASSOCIATES ON THE EIGHTH ANNIVERSARY OF FOUNDING

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to offer my genuine sentiments of congratulations to one of our community's most thriving and prosperous private firms, J.G.R. & Associates, on the occasion of the eighth anniversary of its founding.

Under the careful direction and diligent leadership of founder, Julio Gonzalez-Rebull, J.G.R. & Associates has catapulted itself into one of south Florida's most highly regarded and respected marketing and public relations organizations.

Since its founding in 1984, J.G.R. & Associates has acquired the patronage of some of the most prestigious national and international private institutions known today, including: CAC-Ramsay, American Express, Anheuser-Busch, Inc., Bayside Marketplace, WTVJ Channel 4, and Shaw-Ross International Importers, Inc., earning this young establishment the respect and admiration of our area's business community.

Mr. Speaker, it gives me great pleasure to extend to Mr. Julio Gonzalez-Rebull, as well as all the dedicated members of J.G.R. & Associates may vest best and warmest wishes for success in every future undertaking.

SALUTE TO SGT. MIKE KORNUTH

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a veteran Simi Valley, CA, law enforcement officer as he retires from duty.

Reserve Sgt. Mike Kornuth has served with the Simi Valley Police Department since July 11, 1975. With 16 years and 8 months service, he is the longest term reserve officer in the history of the department.

During his tenure, he volunteered 6,641 hours to his community, primarily operating a patrol unit. He also served as a partner for regular police officers and worked many special details, including crowd control and traffic control for community events.

Mr. Speaker, we all know that law enforcement is inherently dangerous, and we rightly honor the thousands of men and women who choose to make police work their career. I believe, however, that special recognition is due men and women like Mike who serve their communities as volunteers. On April 18, the city of Simi Valley will honor Sgt. Mike Kornuth for his years of service to his community, and I ask my colleagues to join me in saluting him as well.

A TRIBUTE TO LAURA C. SINGLETARY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to congratulate one of the most dedicated individuals in the Commonwealth of Pennsylvania on the occasion of her retirement. After serving the people of this State without fail for more than three decades, Mrs. Singletary decided to step down on December 27, 1991. Her commitment to her community over the years should serve as an example to us all.

As a member of the First Baptist Church of Paschall in Philadelphia, Mrs. Singletary devoted her time and energy to the people of her community, and strove to bring the spirituality and humanity to all her work. In addition, she has been a loving wife to Bernard Treherne and a caring mother to their one child. In her retirement, she plans to continue to spread that love as she travels, fulfilling a lifelong desire to see novel sights and meet a variety of people. I am certain that her new friends will be inspired by her outgoing personality, her compassion and her warmth—a privilege her family and coworkers have enjoyed for many years.

I am pleased to express my respect and admiration for Laura A. Singletary, and to congratulate her on her richly earned retirement. All of us citizens of Pennsylvania owe her a debt of thanks for her years of kind service, and she will be sorely missed by all who worked with her. I wish her much joy in her future travels and endeavors, and all the happiness she deserves. Mr. Speaker, I ask my colleagues to join me in celebrating this tireless individual, a paragon of virtue and commitment to her fellow men and women, Laura C. Singletary.

THE INNOCENT WILL BE SENTENCED TO DEATH

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EDWARDS of California. Mr. Speaker, Congress has been actively considering the issue of Habeas Corpus for several years. In November 1991, this body passed H.R. 3371, the Omnibus Crime bill, which contained a habeas corpus provision that would reform and restrict, but not eliminate, the Great Writ. However, this constitutional right is being threatened by both the administration and the Supreme Court. This article in the legal times describes death penalty cases where the prosecution unlawfully suppressed evidence and encouraged perjured testimony. If the right of habeas corpus is destroyed, offenses like these may never be discovered, constitutional rights will be ignored, and the innocent will be executed. We must continue to protect habeas corpus.

[From the Legal Times, Mar. 23, 1992]

PALE HORSE, PALE JUSTICE

(By Monroe Freedman)

Today I shook hands with a dead man. His name is Gary Nelson.

For 11 years, Nelson sat on Georgia's death row, condemned to die. During that time, 15 people were taken from cells near Nelson's and killed in the electric chair.

"The burnt flesh is something I will never forget," Nelson said recently. "It was horrible the way they let us smell them cooking."

Admittedly, the crime for which Gary Nelson was found guilty, beyond a reasonable doubt, was a horrible one. Six-year-old Valerie Armstrong was sodomized, raped, and knifed to death. And the evidence against Nelson was damning, enough so that even effective assistance of counsel could not—and should not—have saved him.

First, Detective D.L. Burkhalter testified that Valerie Armstrong's companion, Sabrina Williams, had readily identified Nelson as the man who was last seen with Valerie. Nelson, therefore, was not across town as he had claimed, but was at the scene of the crime.

Second, Detective Robert Wedlock testified that the owner of the knife used in the killing had identified it as the one that had been left in Nelson's house.

Third, as District Attorney Andrew Ryan III told the jury, a hair found on Valerie's body had been scientifically examined by Roger Parian of the Georgia Bureau of Investigation's crime laboratory, and Parian had concluded that "the hair that was found on the body and the known hair from the arm of Gary Nelson have . . . the same origin."

Nevertheless, Nelson had been denied due process. His trial began on a Wednesday, and by Friday, just two days later, he had been tried, found guilty, and sentenced to die. In those two days, Nelson's trial counsel had committed repeated acts of ineffective assistance of counsel. For example, Nelson said that when the crime was being committed, he had been across town, where he had gone to visit a friend. The friend had not been at home, but other people had been there, Nelson claimed, and he had spoken with them. At trial, however, Nelson's lawyer mistakenly subpoenaed the friend—who had not seen Nelson—rather than the other people, who might have corroborated Nelson's alibi.

DECADE OF DILIGENCE

But even people guilty of heinous crimes are entitled to constitutional rights. Having read the trial transcript, Emmet Bondurant and the Atlanta law firm of Bondurant, Mixson & Elmore, undertook to handle Nelson's appeal as one of their *pro bono* projects.

One thing that trial counsel had done right was to demand, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), evidence in the hands of the prosecution that might have exculpated Nelson, and the trial judge had ordered compliance. Post-trial efforts to discover evidence in the government's files was therefore a futile, not to say frivolous, gesture. But the Bondurant firm, with the help of the Georgia Resource Center, managed to tie up the case with discovery demands for 10 years, thereby delaying Nelsons execution.

Nelson's case, therefore, was precisely what Chief Justice Warren Burger was complaining about in a concurring opinion in 1983. There the chief justice pointed out that the argument that the death penalty is cruel and unusual is "dwarfed" by the cruelty of 10 years on death row, which is "inflicted" upon defendants by "lawyers seeking to turn the administration of justice into [a] sporting contest." That is, the humane and professional thing for Nelson's lawyers to have done was to have allowed his electrocution to go forward in 1980.

But 10 years and a quarter of a million dollars in billable hours later—with the state's lawyers resisting discovery all the way—Nelson's lawyers were belatedly given access to the *Brady* material that Nelson should have had at his trial. As finally acknowledged by Chatham County District Attorney Spencer Lawton (who had not prosecuted the original case), "There is no material element of the state's case in the original trial which has not subsequently been determined to be impeached or contradicted." Indeed, Gary Nelson's conviction and death sentence were shown to have been fabricated by the prosecution's unlawful suppression of evidence and by government perjury.

FABRIC OF LIES

First, Detective Burkhalter had lied when he swore that Sabrina Williams had "readily identified" Nelson in a lineup. In fact, a taped police interview with Williams showed that she had said, "I don't know how he looked." When the eight-year-old was then pressed by Burkhalter to disregard her doubts, Williams had said, "I saw a man something like [Nelson's picture], but I don't know if he is. . . . He looked something like the man." Moreover, Williams had described the man she had seen as bald and thin, neither of which fits Nelson.

Second, Detective Wedlock also committed perjury to convict an innocent man. A tape recording of his interview with the man whom Wedlock claimed to have been the owner of the murder weapon showed that the man had not in fact connected the knife to Nelson.

Third, Rogert Parian of the Georgia Bureau of Investigation also perjured himself. He had not examined the hair himself, but had sent it to the Federal Bureau of Investigation crime lab in Washington. More important, the FBI report to Parian stated, "The hair is not suitable for significant comparison purposes." Also, the former unit chief of the Microscopic Analysis Unit of the FBI provided an affidavit saying that the hair in question "could have come from any black person, including, but not limited to, other suspects in this case or the victim."

The reference to "other suspects" related to substantial evidence in the prosecution's files, including a confession—all suppressed by the prosecutors for a decade—that pointed to another man as the perpetrator of the crime.

The Georgia Supreme Court recently freed Gary Nelson. But, shamefully, Nelson's case is not unique. Michael Kroll, of Washington, D.C.'s Death Penalty Information Center, has recently published a report cataloging two dozen cases, from all parts of the country, involving unethical conduct by prosecutors in death cases. In several of those cases, the accused is still awaiting execution. In others, the death penalty has already been carried out.

THE "PRETTY GOOD WRIT"

Meanwhile, the Supreme Court has been diligently clocking the pale horse of Death and speeding it on its way. While paying lip service to the writ of habeas corpus as "a bulwark against convictions that violate fundamental fairness," the Court last year expressed its overriding concern that "the Great Writ entails significant costs," the "most significant" of which is "the cost to finality." Coleman v. Thompson, 111 S. Ct.

2546. Obviously, death offsets that cost by mooting all appeals and clearing all dockets, as Gary Nelson came perilously close to learning.

One of Garrison Keillor's commercials is for Ralph's Pretty Good Hardware Store: "If Ralph doesn't have it, you probably don't really need it." In the hands of the current Supreme Court, the Great Writ: "If it doesn't protect your constitutional rights, you probably didn't deserve them in the first place." One is reminded of Justice Antonin Scalia's comment on a Public Broadcasting System panel, discussing the plight of an innocent man wrongfully executed. "Oh, well," quipped the justice, "he was probably guilty of something else anyway."

Illustrative of how the Court is using the most trivial of technicalities to override essential justice is the Texas case of Leonel Herrera, who is awaiting execution for the killing of two police officers. Since Herrera's conviction, his brother Raul has confessed to the killings, and Raul's son has sworn that he saw his father commit them. As a result, a federal district judge stayed Herrera's execution one day before he was to have been put to death. The stay was then vacated in the appeals court, however, on the appalling reasoning that a claim of innocence-in-fact is constitutionally irrelevant.

The Supreme Court has granted certiorari in Herrera's case to consider the relevance of innocence in habeas corpus cases. But in an incredible use of a technical rule in the face of the very real threat that an innocent man would die as scheduled, the Court refused to stay Herrera's execution pending appeal. Playing a heartless game of chicken—with Herrera's life at forfeit—the Court in effect dared the Texas courts to allow the execution to take place. Fortunately, the Texas Court of Criminal Appeals swerved just in time, granting a stay only minutes before Herrera's scheduled execution.

PETTY TECHNICALITIES

Yet another recent case in which the Supreme Court valued petty technicalities over human life is *Coleman v. Thompson* (1991). Roger Coleman faces death in Virginia's electric chair despite the fact that his 11 federal constitutional claims have never been finally adjudicated in the federal courts. The reason is that Coleman's lawyer filed a notice of appeal in the Virginia trial court 72 hours late. Accordingly, Virginia refused to hear his appeal.

This three-day delay, in turn, was held to preclude the federal courts from hearing these issues—despite the fact that the notice of appeal is, in the words of the Supreme Court in this very case, "a purely ministerial document," and despite the fact that the late filing was "no doubt an inadvertent error." Indeed, the state acknowledged that in no sense had Coleman "understandably and knowingly" given up his appeal.

What weighty principle of law or policy, then, could have overcome the Constitution and the Great Writ and mandated death? The reasoning is simple. Because Coleman's lawyer inadvertently failed to file the notice of appeal on time, the Supreme Court held, it would be "contrary to well-settled principles of agency law" to allow Coleman to live. The Court's citation for this life-and-death conclusion is: "Restatement (Second) of Agency sec. 242 (1958) (master is subject to liability for harm caused by negligent conduct of servant within the scope of employment)." (This is not a parody: You can look it up, at 111 S. Ct. 2567.)

MINDLESS LEGAL MINDS

The constitutional scholar Thomas Reed Powell once observed sardonically that if you can think of one thing without thinking of something else that is inextricably related to it, you have what is called a legal mind. Justice Sandar Day O'Connor has a legal mind, and then some. Her opinion in the *Coleman* case—in which a man's life hangs in the balance—begins with the words: "This is a case about federalism."

In the same mindless, heartless compartmentalized way, Justice O'Connor was able to say, "We discern no inequity in requiring [Coleman] to bear the risk of attorney error." This is in a case, mind you, where "bear[ing] the risk of attorney error" means being put to death without adjudication of his 11 federal constitutional claims because his lawyer inadvertently missed a filing deadline by 72 hours on a purely ministerial document.

Fortunately for Roger Coleman, his lawyers have managed to do what Chief Justice Burger considers to be even more cruel that the death penalty itself—they have kept him alive on death row for 10 years. The good news for Coleman is that there is now overwhelming evidence—all of it suppressed by the prosecution at trial—that he is in fact innocent of the rape-murder for which he was convicted.

The bad news, however, is that Roger Coleman is still scheduled to electrocuted on May 20, 1992, at 11 p.m. He will just have to understand that what is really at issue is not whether he lives or dies, but "federalism" and, of course, Section 242 of the Restatement (Second) of Agency.

Adding to the tragedy of wrongful executions and to the outrage of technical barriers to the Great Writ and to due process of law, is the treatment of lawyers who have sacrificed thousands of hours and thousand of dollars to represent citizens unfairly condemned to death. Lawyers are regularly implored by the American Bar Association and by judges to volunteer for these gut-wrenching, heart-breaking cases. But lawyers who take their professional responsibilities seriously in litigating them, risk the ire of judges who prize efficiency over due process.

For example, in a concurring opinion in a death case in 1987, Chief Judge Charles Clark of the 5th Circuit wrote that "[m]ore counsel must be found who will shoulder the increased caseload." *Brogdon v. Butler*, 824 F.2d 334, 338 (5th Cir. 1987). But in the same opinion, Judge Clark attacked the lawyers in that case, accusing them of "deliberately" delaying the case and charging that they were "bent on opposing [the appellant's] execution by confusion in addition to the points of law they raised." This harsh judgment was supported by no evidence, but was based upon Judge Clark's "perception."

Nor did the lawyers, thus publicly castigated in a published opinion, have any effective way to respond to the judge. Moreover, Judge Clark's opinion has since been cited in support of the unfounded criticism of another *pro bono* lawyer in a 1988 5th Circuit case. There, New York attorney Edward Chikofsky, who had contributed thousands of hours and nearly $10,000 of his own money in litigating the case, was similarly attacked in a concurring opinion, this time by Judge Edith Jones.

Judge Jones said that Chikofsky's conduct "tore . . . the veil of civility" and compared it to his client's alleged crimes of robbery, rape, and murder. Accusing the lawyer of deliberately filing late, the judge advocated sanctions including, "at a minimum," suspension from practice before the 5th Circuit "for a period of years." *Bell v. Lynaugh*, 858 F.2d 978 (5th Cir. 1988).

In the face of that harsh criticism, it is all the more to Chikofsky's credit that after five years, four state writs, two federal writs, three cert petitions,and the denial of a stay of execution by an equally divided Supreme Court, Chikofsky ultimately succeeded in vacating his client's death sentence.

Texas Law School Professor Michael Tigar, then chairman of the ABA Litigation Section, investigated the case and found Judge Jones' attack on Chikofsky to have been unjustified. "How can we expect [lawyers] to spend uncompensated thousands of hours and thousands of dollars in expenses," Tigar asked, "when their vigorous efforts to spare their client's lives will be met with hyperbolic condemnation in the Federal Reporter and threats to undermine their livelihoods by barring them from paying practice in the Court of Appeals?"

And so it goes. Prosecutors in death cases knowingly presenting false evidence and suppressing the truth, federal judges unfairly castigating lawyers who take death cases *pro bono*, and justices of the Supreme Court whipping on the pale horse of death with irrelevant reasoning and trivial technicalities.

Gary Nelson will never forget the horrible odor of burning human flesh. All of us, too, should "smell them cooking."

CARMEN DELGADO VOTAW NOMINATED TO MARYLAND WOMEN'S HALL OF FAME

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SERRANO. Mr. Speaker, I am pleased to recognize Ms. Carmen Delgado Votaw on the occasion of her recent induction into the Maryland Women's Hall of Fame. This honor is bestowed upon her as a result of her commitment to civil rights, particularly equal opportunities for Hispanic-Americans and for women. As the first Hispanic woman to receive this honor, Ms. Votaw is a source of inspiration, as well as role model, to Hispanics and to women everywhere.

Ms. Votaw began her career of dedication to civil rights in the mid-1960's working with the Overseas Education Fund of the League of Women Voters. In 1975, she participated in the world conference held in Mexico City, serving on the Committee on International Interdependence of the U.S. Commission on the Observance of International Women's Year preparatory for that conference. That same year, Ms. Votaw was elected president of the D.C. Chapter of the National Conference of Puerto Rican Women. From 1976 to 1978, she served as national president of the conference and she has been a member of the national board for many years.

Ms. Votaw was a member of the Maryland activities which culminated in the congressionally mandated State conferences held prior to the 1977 National Conference for Women in the United States. In 1977, Ms. Votaw was designated as U.S. Delegate to the Inter-American Commission of Women and served as a member of the U.S. delegation at the First Economic Commission for Latin America meeting on the Integration of Women in Development held in Havana, Cuba. The follow-

ing year, she was elevated to the presidency of the Commission until 1980. Ms. Votaw has received two Presidential appointments: The first as Commissioner in the IWY Commission where she served on the executive committee and the second as cochair of the National Advisory Committee for Women.

Throughout her almost three decades of dedication to civil rights, Ms. Votaw has made numerous speeches at, and participated in, a great variety of international activities including the United Nation's Development Program Symposium on Rural Women in the Philippines, the seminar on the International Year of the Child in Israel and the Inter-American Labor Ministers Conference among many others. Ms. Votaw has also advised the Inter-American Agricultural Sciences Institute in framing their program for rural women in the hemisphere; collaborated with the United Nations Latin American Institute on Prevention of Crime and Rehabilitation of Delinquents in studying the treatment of women in the prison systems of Latin America; and was a planner and founding member of the outstanding Inter-American Institute of Human Rights operating in Costa Rica in conjunction with the Inter-American Court of Human Rights.

Other organizations of which Ms. Votaw has been a member or officer include the Girl Scouts USA; the Pan American Development Foundation; Partners of the Americas; the National Women's Political Caucus; the Urban Coalition; and ASPIRA. Ms. Votaw is the author of numerous articles on women in development, as well as other subjects, in publications such as "Americas, Horizontes," and the Miami Herald, among others. She contributed two biographies to the book "Notable American Women: The Modern Period," and played an instrumental role in the publication of "Libro de Oro," the Inter-American Commission of Women's book celebrating the contributions of five women from each of the countries of the Western Hemisphere. Ms. Votaw is also the author of the book "Puerto Rican Women: Some Biographical Profiles" (1978).

In the past, Ms. Votaw has served as the director of the congressional office of the Resident Commissioner from Puerto Rico, Mr. Jaime B. Fuster, and a Federal affairs specialist in the Office of the Commonwealth of Puerto Rico. Today, Ms. Votaw is the Washington representative for Girl Scouts of the United States of America and a member of Gov. Donald Schaffer's Trial Court Judicial Nominating Commission. Mr. Speaker, please join me today in recognizing Ms. Votaw for her commitment to Hispanics and women, and in congratulating her on her induction to the Maryland Women's Hall of Fame.

A TRIBUTE TO RYAN LEE ASHLOCK

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mrs. MINK. Mr. Speaker, I rise today to recognize Ryan Lee Ashlock, a gifted young writer who placed fourth in the "Voice of Democracy" national broadcast script writing competition. The contest was conducted by the Veteran of Foreign Wars [VFW] and its Ladies Auxiliary and involved more than 147,000 secondary school students who competed for 22 national scholarships totaling $76,500.

Ryan, who is a junior at the Hawaii Mission Academy in Honolulu, HI, was 1 of the top 22 winners. He received a $5,500 Scholarship Award provided by the VFW Post 1540 and its Ladies Auxiliary in Honolulu, HI.

The "Voice of Democracy" contest encourages students to write and develop within them a higher standard of excellence for academic achievement. I believe the Congress should recognize and commend the Veteran of Foreign Wars and its Ladies Auxiliary, and offer to Mr. Ashlock our congratulations for his talent and achievement.

Thus, it is with great pride that I submit for the RECORD Ryan Lee Ashlock's fourth place essay in the VFW "Voice of Democracy" broadcast script writing contest.

MEETING AMERICA'S CHALLENGE

(By Ryan L. Ashlock, Hawaii winner, 1991-92 VFW Voice of Democracy Scholarship Program)

The fateful words of the General reverberated through the young man's thoughts, "I sentence you to be hanged."

Just the day before, Nathan Hale had been nearing the end of a successful mission to spy out the British position. Now he was captured by the enemy, but the 21-year-old patriot did not falter in his desire for freedom. As he stood calmly awaiting the moment of his hanging, he declared, "I only regret that I have but one life to lose for my country."

Today as the United States looks ahead to the twenty-first century, there are many opportunities for Americans to serve their country. There are many challenges waiting to be faced. They will require energy, but they are attainable. That same assuredness of belief possessed by Nathan Hale is for all Americans today. Yes, it may require even the lives of some to preserve what our nation stands for, but life to Nathan Hale was the freedom his country owned.

Wrote Thomas Jefferson in 1820, "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education."

Is this actually the essence of America's highest challenge? In my mind, this says it all. Education is the key that will open the doors of achievement, leadership, and honor for our country. With an educated public, the United States can stand firm as a world leader.

Complaints are often made about the apathy shown by some Americans toward their country. It is true that some today are oblivious to the liberties and freedoms that have been fought for throughout our nation's history. Imagine the concept of what it means to stare through a keyhole in a locked door and only wish for the freedoms that lie beyond the threshold.

But just one short year ago, I saw the patriotic spirit so long lost in the glorious days of our nation's past, revived. Our nation united under a common goal during Desert Storm. Awareness of what it actually means to be an American grew while the whole world watched in suspense as America and its allies fought to preserve what they lived for. Can we soon forget what soldiers died for on the battlefield? No, we must keep that awareness growing. To do so, we must educate. And not merely in literature, science, or arithmetic, but in what it means to stand upon the earth a free individual—what it actually means to be an American.

US History class in school is viewed by some students as simply one more requirement to graduate, out of the school system, and stop learning. I believe there is something wrong with that view. The history of our country and what we stand for need to be made living in the minds of our citizens and should be something we spend our whole lives exploring. After all, we are our leaders. We have no other and none better. Our nation can rise to the top with what we have. It is each citizen's responsibility to make that happen.

America owes it to other nations to set a standard by its example. America's responsibility to make brilliant what a free society can do. Other countries look up to the power of the United States as a guide—a firm, unfaltering arrow pointing to world freedom and peace. Democracy has triumphed where communism has failed. Can we continue to shine the light of freedom ahead on the path to world peace? The answer lies within the people themselves. They have the power.

Said the mathematician and philosopher, Betrand Russell, "If one man offers you democracy and another offers you a bag of grain, at what stage of starvation will you prefer the grain to the vote?" The challenge of America today is for all its people to be able to say with conviction just as Nathan Hale did, that they would rather die than give up their freedom. What a wonderful meaning that one word can have—freedom.

A TRIBUTE TO YOUNG ARTIST DAYAMI ALVAREZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to acknowledge the artistic work of Ms. Dayami Alvarez of Our Lady of Lourdes High School in Miami. Ms. Alvarez joined other young artists in a contest hosted by the Caring Institute in Washington, and she received first prize. Sharony Andrews of the Miami Herald reports:

Dayami Alvarez, 17, believes children on this planet are tripping on a lot of heavy stuff. "AIDS, condoms * * * it seems everything is thrown on them. They don't have time to be kids," she says.

Her concern is the kind the nonprofit Caring Institute in Washington, DC, wants to encourage. The group recently got 60,000 children across the country to draw, paint and sketch their vision of caring for a national poster contest. A team of artists led by political cartoonist Pat Oliphant judged.

Dayami, an 11th-grader at Our Lady of Lourdes Academy in South Miami, was one of 12 top national winners.

"I freaked when I heard," Dayami says. Her watercolor painting shows an angelic, nurturing woman with her arms spread over smiling children.

"She's, like, protecting them," says Dayami.

The drawing evokes an image that kids need more nurturing, and the different ethnicities of the kids in her picture reflect that it is a worldwide problem that transcends race, she says.

Oliphant said Dayami's picture, and the other winning entries, showed originality.

"After all that's been said about kids today, it's nice seeing so many respond to the contest," he said. "It shows they are caring about something."

Dayami has been drawing since she was 5, with private lessons since 11. She wants to be a commercial artist. When she graduates next year, she'll go to International Fine Arts College in downtown Miami.

The winning posters will go on a 12-city tour this year. The Caring Institute, founded in 1985, also sponsors an essay and photography contest. The contests are geared to encouraging selflessness, says program director Colleen Noland. "If we can get these kids to think about caring, it may become a way of life for them."

The institute puts out a brochure to teach kids how to set up their own Caring volunteer clubs. To get details or become a member of the institute, write The Caring Institute, 519 C St. NE, Washington, DC 20002 or call 202-547-4273 between 8:30 a.m. and 5 p.m. weekdays.

Mr. Speaker, I am proud to honor Ms. Alvarez for her terrific art work as well as her conscientiousness. Through her art, she has helped other young people of our community to understand the complex issues that concern them. I commend this young woman for her commitment and dedication to our community.

MADE IN THE U.S.A. BY AMERICANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. STARK. Mr. Speaker, one of the best letters to the editor I've read in a long time came from Mr. Patrick Caufield of Newark, CA concerning his job at the joint Toyota-GM NUMMI plant in Fremont.

I hope other Members will read it:

MADE IN THE UNITED STATES OF AMERICA BY AMERICANS

(By Patrick L. Caufield)

I am a team leader at the New United Motors (NUMMI) plant in Fremont. I have been working there for two years. I was born in Castro Valley and grew up in Fremont. I currently live in Newark with my wife and two children. My team has four members, in a group of 11 people. All of these people live in this country.

It is true that some of the parts we use to build our cars with are Japanese parts or are from Japanese companies. It was determined that 75 percent of our materials are American parts.

In my view, the make of the car we produce shouldn't be the issue. The issue should be whether the cars are American-made. I go to work five days a week from 4:30 p.m. to 1 a.m. We have exactly 60 seconds to complete up to five different procedures on one vehicle, then move immediately to the next. We do this for eight hours a day, every workday. We sweat, bleed, break bones, have sore muscles—all this in order to produce the best quality car every time we do our job. Sometimes we produce as many as 480 cars that I would considered made in America because the plant is in America, the workers live in America and we build cars with American parts.

Some people will say "not enough." Well, if they want to get technical, have them look on the bottom of their toasters or TVs or telephones or their baby toys or even their clothes and see if the tag "made in Korea" sounds familiar. If people want to complain, let them complain about wearing Italian suits and driving BMWs.

Executives in a recent article who were criticizing NUMMI said they were worried were the money is going, I will tell you, and them. Yes, 25 percent is going to Japanese companies. Some is going to American companies. And the rest is going into paying the 3,500 America men and women working.

These people then take their American dollars home to their families so they can eat, have clothes, have a home, go to schools and someday grow up to be productive American citizens.

If anything were to happen to the plant causing it to indefinitely shut down or close permanently, who would suffer? Let's think back to when another company owned the same building—General Motors. What happens when they shut that plant down? People who don't live around here have no idea.

My father worked in that plant. I was a teen-ager when it shut down. Who suffered? Not the company—the families, the children. Families split up, people died by their own hands, children starved and Fremont almost died. The joint venture saved this town, its people and our children.

Most of the employers at NUMMI once worked at that old GM plant. Now their families do, too. The same families that suffered are now benefitting.

If this plant and the people in it aren't American enough for some people and we get shut down because of it, the Japanese can go back to Japan and be just as successful as they are. We as Americans and our American families will suffer, just as we once did.

We are Americans, working in America making American dollars and spending them in America. That's enough for me.

SUSPENDING DAVIS-BACON SAVES MONEY

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BALLENGER. Mr. Speaker, it is time we save tax dollars and signal our commitment for economic recovery by suspending the Davis-Bacon Act for 1 year.

Suspension of the act achieve approximately $1.3 billion in annual savings for American taxpayers and create over 31,000 new job opportunities in the construction industry. Several organizations also support suspending the Davis-Bacon Act including the American Road & Transportation Builders Association, the American Legislative Exchange Council, the Business Industrial Council, and the National Stone Association. Their letters are listed below:

AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION,
March 23, 1992.

Hon. SAMUEL K. SKINNER,
Chief of Staff, The White House,
Pennsylvania Avenue, NW, Washington, DC.

DEAR MR. SKINNER: On February 7, the American Road and Transportation Builders Association (ARTBA) wrote President Bush urging him to suspend the Davis-Bacon Act. Suspending the Act would create nearly 41,000 jobs per year by providing additional funding for transportation construction projects.

The Davis-Bacon Act needlessly costs the federal government approximately $1.3 billion per year. The Congressional Budget Office estimates that repeal of the Davis-Bacon Act would provide $7.3 billion in additional spending authority and $4.7 billion in outlays over five years.

It has come to our attention that the President is seriously considering suspending the Davis-Bacon Act as part of his economic recovery package. ARTBA would fully support the President's efforts to suspend the Act.

The transportation construction industry is currently experiencing one of its deepest recessions ever. The passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) is certainly helping to bring the industry out of the recession and producing jobs for many unemployed American workers. Suspension of the Davis-Bacon Act will only help to increase the positive effect that the ISTEA will have on the economy.

Sincerely,

T. PETER RUANE,
President & CEO.

AMERICAN LEGISLATIVE EXCHANGE COUNCIL,
Washington, DC, March 19, 1992.

Hon. GEORGE H. BUSH,
President of the United States,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: The American Legislative Exchange Council (ALEC) applauds the Administration's proposal to suspend the Davis-Bacon Act of 1931. Suspending the Act will help reduce the tax burden and create jobs.

Under Davis-Bacon, hard working Americans have seen their taxes inefficiently spent supporting artificially inflated wages on government funded construction projects. According to the Congressional Budget Office, suspending the Davis-Bacon provision would save the American taxpayers $1.3 billion dollars annually, and create over 31,000 jobs. These savings would help reduce the Federal debt, stimulate the construction industry, and provide jobs.

Mr. President, under Section 6 of Public Law 74-403, you have the statutory authority to perform a greatly needed public service. During the Great Depression in 1934 President Roosevelt recognized the necessity for suspending the Act and again in 1971 President Nixon acted in a similar fashion.

Immediate action will signal your commitment to stimulate the economy by relieving the excessive tax burden thus creating new opportunities for unemployed Americans.

Thank you, Mr. President, for seriously considering this proposal.

Very respectfully,

SAMUEL A. BRUNELLI,
Executive Director.

BUSINESS AND INDUSTRIAL COUNCIL,
March 19, 1992.

Mr. FRED MALEK,
Bush—Quayle 1992 Campaign,
Washington, DC.

DEAR MR. MALEK: It is our understanding that the Administration is considering making a proposal of real reform of the Davis-Bacon Act. We enthusiastically support that idea.

Our 1500 member CEOs have long supported reform of the wasteful, antiquated Davis-

Bacon Act. It has been estimated that a temporary suspension of the Davis-Bacon Act could save $4.7 billion and create more than 30,000 jobs.

Decisive action on the Davis-Bacon Act could demonstrate leadership which is sorely lacking on the other end of Pennsylvania Avenue.

Sincerely yours,

JOHN P. CREGAN,
President.

NATIONAL STONE ASSOCIATION,
March 16, 1992.

Hon. GEORGE BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Stone Association's nearly 500 member companies and the 64,000 working men and women of America's crushed stone industry, I respectfully urge you to support suspension of the Davis-Bacon Act. By suspending this outdated prevailing wage law, more than 31,000 new jobs can be created in the construction industry while saving American taxpayers approximately $1.3 billion annually.

As noted in a 1979 report by the U.S. General Accounting Office, the Davis-Bacon Act results in unnecessary construction and administrative costs and has an inflationary effect on areas covered by inaccurate wage rates and the economy as a whole. The GAO found that over half of area/project determinations are not based on a survey of wages paid to local workers, but are rather based on union-negotiated rates.

Because of the Davis-Bacon Act, which requires that prevailing wages be paid on all federal construction projects in excess of $2,000, small companies and disadvantaged business enterprises are often precluded from bidding on these jobs. Suspension of the Act would help in opening the process to such businesses and providing job opportunities to many low income workers.

NSA urges you to exercise your statutory authority under Section 6 of Public Law 74-403 and suspend the Davis-Bacon Act. We greatly appreciate your efforts to create jobs and advance economic recovery in the construction industry,

Sincerely,

WILLIAM D. KELLEHER,
Vice President, Government Affairs.

A TRIBUTE TO POLICE COMMISSIONER WILLIE L. WILLIAMS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to one of the finest public servants in the history of the great city of Philadelphia. Since 1988, Willie L. Williams has served as police commissioner for city of Philadelphia. As Commissioner Williams is honored by the Greater Philadelphia Chapter of the National Forum for Black Public Administrators this month, I would like to take this opportunity to reflect on the expansive career of this truly remarkable man.

From his initial appointment as an officer in the Fairmount Park Guards nearly 30 years ago, Willie L. Williams has dedicated his professional life to the betterment of the Philadelphia Police Department. Commissioner Williams rapidly ascended through the various ranks of the police department, from detective, to sergeant, to lieutenant, to captain, to inspector, to deputy commissioner, and finally, commissioner. As the police commissioner, Willie Williams oversees the operations of the largest, most visible arm of Philadelphia's municipal government. With nearly 8,500 police officers and civilian personnel under his jurisdiction, Commissioner Williams is responsible for insuring the efficient protection of Philadelphia's 1.6 million citizens. In addition Mr. Speaker, Commissioner Williams is charged with the tremendous task of overseeing the police department's $315 million budget.

Mr. Speaker, one need look no further than Commissioner Williams' educational history to witness his deep roots in the city of Philadelphia. He has obtained degrees at Overbrook High School and the Philadelphia College of Textiles, and is currently pursuing a master's degree at St. Joseph's University. Commissioner Williams has also shared his expertise with students at Temple University, University of Pennsylvania, and University of Delaware.

Willie Williams is also a strong presence in nearly every facet of community life. As a former scout master, a member of the West Oak Lane Youth Association, and a member of the Pennsylvania Juvenile Officer's Association, Commissioner Williams has worked countless hours with young people across the city of Philadelphia, attempting to help these kids make the most of their formative years. In addition, Commissioner Williams has received numerous awards from the police department and the city of Philadelphia for his exceptional work as both an officer and an administrator.

Mr. Speaker, it with great pleasure that I present the credentials of my good friend Willie Williams before this body today. I cannot truly express all that this great man has done for the city of Philadelphia. It can simply be said however, that through Commissioner Williams' dedicated efforts, he has truly enriched the lives of all Philadelphians. I ask my colleagues to rise and join me in paying our greatest tributes to Commissioner Willie L. Williams. I would also like to extend our best wishes to the commissioner's wife Evelina, and their children Lisa, Willie Jr., and Eric. Congratulations and thank you, Willie on your wonderful contributions to the city of Philadelphia.

STATEMENT BY MR. MCGRATH IN SUPPORT OF A DUTY SUSPENSION FOR CERTAIN GLASS ENVELOPES AND FUNNELS

HON. RAYMOND J. MCGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MCGRATH. Mr. Speaker, I rise to introduce H.R. 4791, a bill to extend and slightly modify a present duty suspension for glass envelopes used to manufacture cathode ray tubes for computer displays. The present authority for this duty suspension expires on December 31, 1992.

A duty suspension for certain monochrome glass envelopes was originally approved by Congress and enacted into law in 1988. At that time, no opposition was expressed by the domestic television glass industry. The suspension was extended in 1990, again with no opposition.

H.R. 4791 extends the current authority until December 31, 1994, and expands its coverage in two ways. First, unlike the previous suspension, it includes all tinted monochrome glass envelopes regardless of size and transmission limits. The size and transmission limitations currently included in the duty suspension are no longer necessary because no monochrome glass envelopes whatsoever can be sourced from U.S. companies.

Second, H.R. 4791 suspends the duty on a part of a glass envelope called a funnel not currently produced in the United States. This particular funnel is specifically designed for use in a proprietary, limited line of cathode ray tubes with a flat faceplate.

No opposition from the domestic television glass industry is anticipated in regard to any aspect of H.R. 4791 because these products are not manufactured in the United States. Moreover, no U.S. television glass manufacturer intends to make these products in the United States because the volume requirements are so insignificant.

Based on 1991 import data, the revenue loss associated with H.R. 4791 is approximately $425,000.

EARTHQUAKE AND VOLCANIC ERUPTION HAZARD REDUCTION ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mrs. MINK. Mr. Speaker, today Congressman NEIL ABERCROMBIE and I are introducing legislation which will provide our Nation better protection from the financial catastrophe caused by earthquakes, volcanic eruptions, and tsunamis.

A companion to this bill is also being introduced today in the Senate by Hawaii's distinguished senior Senator, DANIEL K. INOUYE, together with Senator DANIEL AKAKA and several other Senate cosponsors.

Our bill modifies H.R. 2806 introduced last year by my distinguished colleague from Washington State, AL SWIFT and which is cosponsored by GEORGE BROWN, DAVID DREIER, SHERRY BOEHLERT, myself and over 50 other Members representing 22 States. H.R. 2806, the Earthquake Hazard Reduction Amendments Act, is an excellent bill, but I believe it needed to be modified to fit our circumstances.

H.R. 2806 reduces losses from future earthquakes and volcanic eruptions by establishing two programs: First, a State-oriented hazard reduction program of seismic building codes and possible land-use planning to save lives and property; and second, an insurance program—much like the Federal Flood Insurance Program—which makes earthquake and volcanic eruption insurance more available and affordable to the Nation's homeowners. This legislation should lessen the damaging effects

of future seismic and volcanic activity and reduce the need for Congress to appropriate vast sums for Federal disaster assistance. By forging a partnership with the private sector to create a universal insurance program, premiums for earthquake and volcanic insurance coverage should drop dramatically.

This bill, however, does not cover a peril which is becoming increasingly important to my constituents in Hawaii: Fire following volcanic eruption. On the big island of Hawaii, lava flows venting from the sides of volcanos are triggering fires which have already destroyed scores of homes. I am advised that some insurance companies are refusing to cover fire caused by volcanic lava flows, and this is causing a great deal of apprehension for homeowners on the big island. Yet despite the lack of private insurance coverage for this hazard, H.R. 2806 excludes fire following volcanic activity from the Federal insurance program.

The bill I am introducing today corrects this oversight. My bill recites most of the provisions contained in H.R. 2806, except that it would expressly include fire following volcanic eruption as a covered peril in the Federal insurance program. My bill also includes several other references to volcanic eruption to ensure that the Federal insurance covers all damage which results from volcanic activity, including land and mud slides as well as falling ash.

Federal insurance program. My bill also includes several other references to volcanic eruption to ensure that the Federal insurance covers all damage which results from volcanic activity, including land and mud slides as well as failing ash.

The perfecting amendments made by my bill ensure that homeowners in Hawaii and other volcanic eruption-prone States received insurance coverage at reasonable rates.

I hope that my amended legislation will be favorably considered as Congress reviews earthquake, volcanic eruption, and tsunami insurance legislation.

MEETING AMERICA'S CHALLENGE

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SWIFT. Mr. Speaker, each year the Veterans of Foreign Wars sponsors the Voice of Democracy broadcast scriptwriting contest, which involves more than 147,000 high school students across this Nation. This year students submitted scripts on the theme of "Meeting America's Challenge" to compete for 22 national scholarships and share their unique points of view regarding the future of their Nation.

As a former radio broadcaster, I am proud today to share with the rest of my colleagues in Congress a broadcast script written by a constituent of mine, Deron John Sedy of Stanwood, WA. Deron's script was chosen as Washington State's entree at the national finals, where the judges picked it as 1 of the 22 best in the Nation. For Deron's 19th place finish at the national finals, he was awarded the $1,000 Jesse A. Lewis Memorial Scholarship.

I would like to offer my sincere congratulations to all those who participated in this contest, especially Deron John Sedy, and hope that my colleagues enjoy the work of this talented young student as much as I have.

MEETING AMERICA'S CHALLENGE

(By Deron J. Sedy, Washington winner, 1991/92 VFW Voice of Democracy Scholarship Program)

In 1901, Ernest Rutherford showed that energy released in a nuclear reaction is roughly one million times as great as that released in a chemical reaction. In 1939, German physicists Otto Hahn and Fritz Strassman produced the first proof of nuclear fission in uranium. On December 7th, 1941, the Japanese attacked Pearl Harbor. The next day, the United States declared war on Japan. Then, on December 11th, 1941, the U.S. entered World War II.

June 18th, 1942, President Franklin Delano Roosevelt gave authorization for the United States Army to enter a race with Germany to develop fissionable materials—a plan later to be dubbed the Manhattan Project. On August 6th, 1945, in an attempt to bring a swift and uncostly end to the war, President Harry S. Truman gave the order to drop an atomic bomb on Hiroshima. When Japanese leaders failed to respond, the United States dropped an even larger bomb on Nagasaki. Within the week, Japan agreed to surrender.

Shortly after the end of World War II, the United States offered to share its nuclear technology with the world, providing that an adequate system of policing were established. The U.S.S.R. flatly refused. Then, on September 23rd, 1949, President Truman announced that the Soviet Union had set off its first atomic explosion in the recent weeks.

Thus began the cold war, an ongoing struggle between two super-powers to gain supremacy in world affairs. When America looked to her horizon for a challenge, there was one bright and brilliant star dominating the night sky, overshadowing our other concerns: the need to ensure peace by being ever-prepared to fight. Development of bigger and more powerful bombs as well as intercontinental missiles soon made the threat of total annihilation only minutes away.

Yet today, if we look to that horizon of America's challenges, we see the fall of communism and our recent victory in Desert Storm opening tremendous opportunities for the future. The once-dominating star is now not so prevalent, and other stars can be seen. Now, with the fading of the cold war and the proof of U.S. military superiority, the other challenges to America present themselves boldly. Certainly we must remain ready to defend democracy if called upon to do so, but thank God that we can now feel safe from the immediate threat of war and are now free to concentrate our efforts on those other stars which have been in the sky all along, yet not getting the attention they deserve. Once hidden behind the light of the blazing star of military expenses, the stars of new American challenges are shining through—stars like the environment, education, like medical and scientific research, space exploration, care for the elderly. It's a wonder that these other stars received so little attention before.

But now there are no more excuses. Our nation has been freed to face these challenges, thanks to those who have defended her to concentrate her efforts on troubles facing her people. Now is the time to dedicate our attention to developing solutions for domestic problems. This is the challenge to America: to see that our education system competes with other nations as well as our military capability, to aid our senior citizens, to clean up the environment, to ensure that no child goes unfed—that is the challenge to America. Let us solve our problems and serve as an example to other nations in the world who now have a fresh chance to form democracies.

How can this challenge to America be met? There is only one way. All of her people must demand that it be met. Every American must exercise his right to vote, and be educated about the choices. Each citizen must write his representative and express his views, for that's what makes the United States republic great: representation of the people. If the people choose to focus on domestic issues, it will be done. We need to meet and accomplish the challenge to America, for when it comes time for us to pass the torch to a future generation, let us not hand down old problems; let us hand down solutions * * * and new challenges.

BUSINESSMAN JOE QUEIPO HONORED FOR HIS SUCCESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to acknowledge Miami real estate broker Joe Queipo for being honored by Century 21 for his outstanding performance and terrific success in his field. Mr. Queipo is a dedicated member of our community and I commend him for his commitment to his work and to others. Marti Ostrander of the Miami Herald reports:

Real estate broker Joe Queipo, whose business increased 251 percent from 1990 to 1991, has been honored by Century 21 for remarkable success in less than two years with the company.

Queipo and his business partner-wife, Ydania, operate an office at 2320 SW 57th Ave., serving Coral Gables and West Miami. They attribute their success to 14- to 16-hour days five day a week—yet both still find time to practice karate together with their three children.

Two weeks ago, Queipo received the Top of the Century award, an honor bestowed on the leading 21 brokers in South Florida.

Bill Scott, executive director of the South Florida region of Century 21, said Queipo is "one of the top brokers in the region after being with us for only a year and a half."

Queipo, 31, a South Miami resident who come to Miami from Havana at age 7, is a Miami High School graduate with an associate's degree in psychology from Miami-Dade Community College.

He went into real estate in 1982 and opened his own company in 1988. Two years later, he joined Century 21.

Queipo also is president of the Century 21 Brokers Council, an advisory group of 50 Century 21 brokers from across Dade County.

According to sales increases, Queipo ranked 20th among Century 21's 230 offices in the region for the 1991 year. "He was also ranked number four in Dade County in terms of total sales volume," Scott said.

Queipo credits his wife with much of the business' success.

The couple has three children: Marta, 10, Cristina, 8, and Joey, 4.

Mom, Dad, Marta and Christina are all working for their black belts in karate this year. "We all practice together; I find time to keep the family together so we all practice martial arts," Queipo said.

Mr. Speaker, I am proud to honor both Joe and Ydania Queipo for their role as business partners in our community. They have worked hard to accomplish their goals and through their seemingly endless hours of operation they have met success. I hope that other business men and women follow in the Queipo's wonderful example of success.

WHY DO U.S. CONSUMERS PAY MORE FOR THE SAME U.S.-MADE PHARMACEUTICAL DRUG?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. STARK. Mr. Speaker, I again have the dubious honor of recounting the woeful tale of price gouging by a pharmaceutical company. For several weeks, I have been sharing with my colleagues stories relayed to me by my constituents about the pricing policies of the pharmaceutical companies. Hardly a day goes by when I don't receive notice of a case I can add to this ever-growing portfolio.

The enormous discrepancy between U.S. prices for pharmaceutical drugs and prices for these same drugs throughout the world begins this particular chapter. According to a study by the Health and Human Services Inspector General, United States drug prices are, on the whole, 62 percent higher than the same products in Canada. This same study concludes that U.S. drug prices are 54 percent higher than the same products in Europe. The collective question from my constituents is why?

A Fremont, CA constituent recently sent me a letter from the magazine "Nurseweek" detailing the specific differences between U.S. drug prices and other countries drug prices. The enclosed letter asks two telling questions.

"The politics of distributing Norplant notwithstanding, of whom can we inquire as to why it costs patients $350 in this country, and $23 in other countries [to receive Norplant]? Shouldn't Wyeth-Ayerst Laboratories be made to answer for this discrepancy?"

I agree with the point raised by my constituent. Our health care system desperately needs reform. Outrageous price increases in pharmaceuticals stand as an enormous hurdle to any progress toward reform. The Congress and the administration must take the appropriate measures when this industry lags behind.

THE SUPREME COURT HAS HAD ITS FILL OF SCHOOL DESEGREGATION CASES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EDWARDS of California. Mr. Speaker, history will show that the nine Justices who spoke unanimously in striking down racially segregated public schools in the 1954 Supreme Court decision, Brown versus Board of Education did the right thing.

Unquestionably, that decision was a defining moment in our Nation's history.

But the fact is, having declared racially separate schools unconstitutional, the Supreme Court in recent years has been somewhat timid and less than clear in providing guidance to the Federal district courts charged with fashioning desegregation orders.

Now, in its most recent school case, Freeman versus Pitts, the Supreme Court has rendered a decision which will make it much easier for school districts to be released from Federal court supervision without ever achieving meaningful school desegregation.

Mr. Speaker, I ask that the following editorial, entitled, "Loss of Zeal for School Desegregation," which appeared in the New York Times on April 3, 1992, be included in the RECORD at this point.

LOSS OF ZEAL FOR SCHOOL DESEGREGATION

For those seeking guidelines for winding down school desegregation litigation, the case from DeKalb County, Georgia, was potentially the most significant the Supreme Court has handled since Brown v. Board of Education. Unfortunately, the Court has delivered an unworthy decision that threatens to undermine that 1954 landmark. To say that the result could have been even more disheartening is not very consoling.

Brown's promise of equality would have been honored best if the high court had sought not merely to free school districts from judicial control but to make sure the districts had earned their freedom by completing the job of desegregation. Instead this Court offers its brightest hope not to children trapped in segregated schools but to officials seeking relief from the Court's demand in 1968 that they get busy and establish "not white schools, not black schools, just schools."

The Court has now made it easier for schools to escape oversight of their desegregation efforts. Five Justices, in an opinion by Justice Anthony Kennedy, say it's all right for the Federal court in Atlanta to release its power over some aspects of a system's operation once officials have made "good-faith" efforts to achieve equality, even though other features like faculty and resource allocation remain unequal. That approach invites judges to view school systems piecemeal and deprive themselves of useful flexibility.

The Court also seemed too credulous in its readiness to excuse segregation as caused by demographic factors beyond school control. At some point, all agree, even school districts like DeKalb's that were segregated by law long after 1954 may work their way out of court-supervised desegregation. To accomplish that, they need to create systems free of the effects of segregative state policies. DeKalb County, an Atlanta suburb, contended that whatever racial identification remained in its schools was the result of private housing choices—widespread black migration across the city line and white flight still farther out.

Sweeping demographic change undoubtedly complicates desegregation efforts but may not legitimately excuse failures attributable to government. Three dissenting Justices wisely called for more careful consideration of how much of the persistent segregation was due to official rather than private action.

Refreshinghly, even Justice David Souter, who voted with the majority, showed appreciation that school systems must be viewed as a whole until they have earned total relief from court supervision. Justice Souter recognized that partial termination of court supervision might "act as an incubator for resegregation."

For example, even if a school's student body has been integrated, if teacher assignments are still being made on a racial basis, a "white" faculty will draw more white students and a "black" faculty more black students, increasing racial imbalance. Justice Souter said judges may need to reassert jurisdiction over previously exonerated features of an incompletely desegregated system.

It is disquieting to watch the Court inch closer to excusing school districts that haven't finished their job. The DeKalb decision might have been even weaker in tolerating segregation had Justice Clarence Thomas participated; he was still fighting for confirmation when the DeKalb case was argued last October.

Justice Antonin Scalia, sometimes a model for the newest justice, argued that the passage of time along presumptively excuses a school system's past faults. If Justice Thomas had joined Justice Scalia, the Court's ruling might have been even harsher against judicial supervision. The high court's commitment to finish the work of Brown v. Board of Education hangs by a thread.

GALLEGLY HAILS INDEPENDENCE OF CROATIA, SLOVENIA, AND BOSNIA-HERCEGOVINA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GALLEGLY. Mr. Speaker, I am extremely pleased that today the United States has finally recognized the independence of three former Yugoslav republics—a move I have been working for since last October.

I am also gratified that the Europe and Middle East Subcommittee this morning approved my substitute resolution calling for recognition of Croatia, Slovenia, and Bosnia-Hercegovina. Within minutes of that vote, the President announced that the United States was recognizing the independence of these three republics.

My only regret is that we waited so long to take this action. When I first introduced House Concurrent Resolution 224 calling on the President to recognize the independence of the Republics of Croatia and Slovenia, the United States could have assumed its historic position as a staunch supporter of freedom, democracy, and self-determination. Instead, due to foot-dragging on the part of the State Department, which listened to bad advice, and unfortunate delays in the House, we find ourselves among the last major nations of the West and the world to recognize these republics.

I am, however, pleased that my resolution, which has 123 cosponsors, including all but one member of the Europe and Middle East Subcommittee and over three-fourths of the membership of the full Foreign Affairs Committee, has served as the impetus to persuade the State Department to do the right thing fi-

nally. Without the strong bipartisan support my bill has received, I suspect that today's recognition might not have occurred at all.

As a member of the House Foreign Affairs Committee, I am pleased by the cooperation I have received from my colleagues in this endeavor. For many months, the brave peoples of Croatia, Slovenia, and Bosnia-Hercegovina have been fighting to end cruel Serbian domination and to end the fiction of a united Yugoslavia. I hope that today's action will convince the Servians that the world is now united behind the three new independent republics, and that it is in their best interest to sit down finally and negotiate a fair and lasting peace with their neighbors. In this regard, I also salute the European community for its efforts to find a permanent peaceful settlement of the Yugoslav crisis.

Mr. Speaker, I request that the full text of the amended resolution which I offered and was approved in the nature of a substitute to House Concurrent Resolution 224 be printed in the RECORD at this point.

H. CON. RES. 224

Whereas during 1991 the peoples of the Republic of Slovenia and the Republic of Croatia expressed their clear preference for independence;

Whereas it has been the policy of the United States to support the equal rights and the right of self-determination of peoples as enshrined in the Charter of the United Nations and the Helsinki Final Act of the Conference on Security and Cooperation in Europe;

Whereas the movement toward independence by the freely-elected Government of Croatia in 1991 was violently opposed by the Yugoslav Federal Army and elements of the Serbian minority living in the Republic of Croatia;

Whereas this opposition led to open warfare in Croatia which resulted in much human misery, including thousands of deaths, hundreds of thousands of refugees, and massive physical destruction in several cities, including destruction of hospitals, schools, and historical and religious monuments;

Whereas the United States continues strongly to support a comprehensive, negotiated peace plan for the region as embodied in the European Community-sponsored peace conference, and strongly supports the United Nations plan to send substantial numbers of peacekeeping forces to 3 designated United Nations-protected areas in Croatia and along borders with neighboring republics;

Whereas the United States, together with the European Community and other nations, has emphasized that it will not accept or recognize any resolution of the Yugoslav crisis based on the use of force and intimidation to change unilaterally the borders of any Yugoslav republic;

Whereas the United States supports the territorial integrity of those republics which have declared their independence as well as those which have chosen to remain in a common Yugoslav state;

Whereas security in the Balkan region requires all states, both established and newly independent, to respect the territorial integrity of all neighboring states;

Whereas the European Community-sponsored peace conference on Yugoslavia envisages that areas in which persons belonging to a particular national or ethnic group form a majority, including Kosovo, must enjoy a special status of autonomy, including all appropriate legislative, administrative, and judicial institutions as well as full educational, cultural, and religious freedom;

Whereas resolution of the issue of Kosovo and the repressive human rights situation there must be a central aspect of any comprehensive peace plan for the region; and

Wheras resolution of the Yugoslav crisis, to be enduring, must be based on firm obligations by all republics involved to guarantee and foster the full range of internationally recognized human rights and fundamental freedoms for their constituent peoples and ethnic minorities, including (among others) Serbs in the Republic of Croatia, Hungarians and Croatians in the autonomous province of Vojvodina, and Albanians in several republics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly supports the peacekeeping efforts of the European Community and the United Nations as part of a comprehensive, negotiated settlement of the Yugoslav crisis;

(2) welcomes and supports the freely expressed desire of the peoples of those republics which have voted for independence and the desire of the peoples of those republics which wish to remain in a common Yugoslav state;

(3) condemns the use of all violence and believes that differences can only be resolved through dialogue and negotiation;

(4) calls upon all states in the Balkan region, both established and newly independent, to respect the territorial integrity of all neighboring states;

(5) urges full respect for, and guarantees of, the internationally recognized human rights and fundamental freedoms of all citizens, including ethnic minorities living in the region;

(6) urges that areas in which national or ethnic groups form a majority, including Kosovo, must be afforded a special status of autonomy;

(7) urges that the issue of Kosovo be a central aspect of the European Community-sponsored peace conference on Yugoslavia;

(8) urges the President expeditiously to extend diplomatic recognition to the Republic of Slovenia and the Republic of Croatia;

(9) urges that the United States and the European Community coordinate their approach to the Republic of Servia and the Republic of Montenegro, which have expressed the wish to remain in a common Yugoslav state; and

(10) urges the President, in consultation with all members of the European Community, to consider positively the request for recognition of the Republic of Bosnia-Hercegovina.

INTRODUCTION OF THE TELEPHONE NETWORK RELIABILITY IMPROVEMENT ACT OF 1992

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Telephone Network Reliability Improvement Act of 1992, a bill to guarantee that the mission of the Federal Communications Commission [FCC] includes a commitment to making telephone service reliable and of high quality. The bill also establishes a system of compensation to consumers for disruptions of telephone service.

I introduce this legislation at this time because of increasing concern that the reliability of our telephone network is being taken for granted. Certainly it is true that Americans enjoy one of the best telephone networks in the world. The deployment of advanced signalling, switching, transmission, and software control technologies enables telephone companies to offer a new array of services to business and residential customers. And this is just the beginning of what is to come. But with these advances in technology and the emergence of intelligent networks comes a concomitant risk that our ever more complex technology will fail and lead to ever more complex problems.

For this reason, I think it is wise to focus our attention on preventing and mitigating failures. There is too much at stake—including human life, public safety, public services, and the productivity of American business—for it to be taken for granted either by the regulators or the companies. For evidence that the regulators and companies do not devote sufficient and consistent attention to the problem of network reliability and service quality, consider a report done by subcommittee staff on the basis of data provided by the largest local exchange carriers. That report showed a wide variation by these companies on their internal measurement of what is acceptable performance in a number of reliability and quality areas. The staff found that, absent Federal standards or benchmarking, service quality was not going to be consistent across carriers and jurisdictions and was not going to be what it could be.

We need not look just to the theoretical as a basis for concern, however. In fact, network failures occurred so frequently over the past 2 years that they are no longer a rare event. And when the telephone networks fail, consumers are hurt and businesses suffer unprecedented productivity losses which directly affect their ability to compete in domestic and world markets.

For American business, a telephone network failure is like a computer virus attack. Everything that otherwise would be done is put on hold, sometimes for days, as the business evaluates the effect on its network-dependent operations, reconstructs affected business transactions, ensures its prior communications capability has been fully restored, and analyzes ways to mitigate the affects of the next failure. For a large business, thousands of hours are routinely lost just trying to make sure everything is back to normal.

For consumers and small businesses, who do not have the communications option available to large businesses, loss of one's telephone is to lose one's voice. We all know that today's phone services make possible entirely new ways for Americans to learn, work, conduct business, govern, provide and obtain services, and entertain themselves. Every year, Americans become more dependent on our telephone networks. As this dependency increases, the consequences of a network failure become more severe as well.

The FCC should have seen this problem looming on the horizon. Less than 3 years ago the National Research Council of the National Academy of Sciences issued a warning in its preliminary report on the growing vulnerability

of the public switched networks. Though the Council was concerned with the implications for national security emergency preparedness, its findings have direct application to virtually every residential and business use of today's networks. Unfortunately, the FCC was blinded by the telephone industries' substantial investments in advanced technology.

The Council's study, which also looked at the implications of the new technology deployed in the telephone network, leaves little doubt that investment in advanced technologies is not the panacea some would have us believe. The Council found that these technologies—notably fiber optics, digital switching, and software control—were driving network assets into fewer, but more critical, network nodes. As a result, these new technologies were among the factors making tomorrow's networks at greater risks than today's.

Consequently, today's telephone technology is very much a double-edged sword. The cutting edge promises dramatic increases in network capacity, capability, and survivability. But the trailing edge introduces greater vulnerability to consequences of massive proportion and severity. Ironically, both the benefits and the risks of advanced technology stem from the concentration of ever-increasing volumes of voice and data communications through a decreasing number of communications nodes and pathways.

The task of policy makers and regulators is to define a better way to cope with this reality.

The bill I introduce today is an initial step. It proposes to clarify and amplify the role of the FCC by making clear the centrality of network reliability to the mission of the FCC. Building on a recommendation from the President's advisor on telecommunications, the National Telecommunications and Information Administration, the bill also provides modest compensation to consumers when a telephone network failure results in the loss of telephone service.

Following the lead of actions begun by the FCC, this legislation is anchored in partnership and networking concepts. It is proactive and not limited to failure incident investigations. Instead, it proposes establishing a program to review and evaluate telephone reliability and quality issues on a continuous basis, in a collaborative manner. It builds a foundation upon which the FCC can become a truly expert partner and facilitator to the industry, but when appropriate, a more informed and more effective regulator.

Although the bill includes regulatory provisions, they differ from the classic regulatory structure often criticized for burdening the regulated with extensive reporting requirements. This bill would not lead to receipt of additional marginally useful reports that do little more than take up space on someone's shelf. To the contrary, instead of receiving reports, FCC would be preparing and actually using them to guide the Commission's work.

Briefly, the proposed reports would be management oriented tools. They would document the industry's approach to designing, operating and maintaining critical network systems; identify concerns affecting reliability; and define a plan of action for addressing them through studies and evaluations conducted either by the Commission, or by the industry with FCC monitoring.

Under the proposal, the FCC would have to publish new regulations. The substance of the regulations will help the telephone industry and extend certain protections to it. The help will come from the development of standard interpretations of reliability and service quality that otherwise might be difficult to achieve without the appearance of collusion, anitcompetitive behavior, or other possible antitrust law violations. In fact, some of the recent talk from the FCC about "benchmarking," by which the Commission looks to the industry for a standard and adopts one from a company performing well and imposes it on all the industry, in concept would be consistent with this approach.

The bill also sets up protections in the form of specific escalating and mitigating factors that are designed to ensure telephone companies are treated fairly in regulatory decisions involving the assessment of penalties for network failures. These failures would enable the FCC to show lenience to companies that make a concerted effort to improve the reliability and quality of their networks, and penalize complacent companies whose efforts are more lip service than substance.

In summary, this bill clarifies the job of the FCC by rededicating it to network reliability, compensates consumers for loss of service, and encourages telephone companies to increase their commitment to network reliability and service quality.

I urge my colleagues to examine and support this legislation.

THE OAKLAND JEWISH CENTER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SCHEUER. Mr. Speaker, it is with great pleasure that I rise today to recognize a milestone in the history of a synagogue in my district. Next month, the Oakland Jewish Center will celebrate the happy event of completing the repayment of a mortgage entered into 20 years ago in order to renovate and expand its services.

Founded in 1949, the Oakland Jewish Center in Bayside, Queens, provides the surrounding community not only with religious services, but with Hebrew education for all children, adult education programs, and other community services as well.

Mr. Speaker, in 1971 the concerned and dedicated members of the Oakland Jewish Center realized that they could not meet their community's needs and their own objectives without expanding and renovating their existing facilities.

They knew they needed a bigger library, more meeting rooms, facilities for social functions, and administrative offices to conduct the center's business. So they planned a major renovation and entered into a substantial mortgage that would take years to repay.

Well, it's taken 20 years, but they have succeeded in clearing their debts and they have expanded their center and their activities. They have extended their educational programs to all members of the community who are in need; they have renovated their building, installing the facilities necessary to serve their community most effectively; and they have attracted distinguished guests and visitors, hosting innovative programs for Soviet boys and girls.

Mr. Speaker, I am proud to join the numerous groups and individuals who have recognized the Oakland Jewish Center and its member organizations over the years with awards and citations for their important contributions to the Jewish community. It is a time for joy, for celebration, and for thanksgiving, most especially to those in the community who have worked so hard to bring the Oakland Jewish Center of Bayside to this happy juncture.

A SPECIAL RECOGNITION TO THE ADULT EDUCATION CENTER AT HIALEAH-MIAMI LAKES SENIOR HIGH SCHOOL MOCK TRAIL TEAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to extend my warmest congratulations to the principal, Robert P. Villano, and assistant principal, Martin D. Simonoff, of the Adult Education Center at Hialeah-Miami Lakes Senior High School, and to the teachers, and students of the legal studies course who participated in and won a State mock-trial contest.

On March 30, 1992 the members of the class won the competition which was conducted in Tallahassee and included competing with over four preliminary teams and one final team.

The student team placed fifth in the Nation in 1991 and is now preparing for the national competition taking place from May 7 through 10 in Madison, WI. Tony De Fillippo and Walter Gishler are the teachers who will be preparing the students for this competition.

The Office of Vocational Adult, Career, and Community Education along with the country commission will recognize May 1, as Law Day and will be declared throughout Dade County as Hialeah-Miami Lakes Mock Trial Day.

The mock trial team members are: Ray Araujo, Veronica Sanchez, Rick Gonzalez, Dorys Andani, Gladys Mesa, Pam Martin, Fred Hernandez, and Sam Maldonado.

TRIBUTE TO WILLIAM G. ORINSKI: 1992 ARIZONA SMALL BUSINESS PERSON OF THE YEAR AWARD

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. KOLBE. Mr. Speaker, I'd like to take a moment to recognize Mr. William G. Orinski, an outstanding citizen from Oro Valley, AZ who will be recognized as the 1992 Arizona Small Business Person of the Year. The Unit-

ed States Small Business Administration could not have chosen a better recipient than Mr. Orinski, and I would like to extend my congratulations to him on having received this award.

Bill is the founder and president of Vanguard Automation, Incorporated, which has been designing and manufacturing custom robotics and automated assembly systems since 1984. Through his vision and determination, Bill has turned a 1 man consulting effort into a multi-million dollar enterprise with 70 employees. As recently as 1989, there were only 15 employees and $1.5 million in sales at Vanguard Automation. This year, Vanguard automation projects it will reach over $10 million in sales, and the company continues to expand and diversify. In addition, through Bill's direction and leadership, his company designed and currently manufactures the only automated machine capable of fabricating computer head suspension assemblies for ultra-high density drives.

Bill's success as a businessman is only excelled by his ability to treat his employees with appreciation and respect. Vanguard promotes from within, strives to develop the capabilities of all its employees and encourages additional education by providing a tuition assistance program. This quality has earned Bill the loyalty and admiration of all who know him. In fact, Bill's tireless efforts have been recognized by the mayor of Oro Valley, Cathy Hufault, who nominated him for this award.

I would like to recognize Bill Orinski on receiving this honor and for his exceptional achievements in the business community. The town of Oro Valley and the State of Arizona have benefitted tremendously from Bill's efforts and we should be proud that he is getting the recognition he deserves.

REAUTHORIZATION OF HISTORIC PRESERVATION FUND

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. VENTO. Mr. Speaker, at the request of the adminisration, I am introducing legislation to extend the authorization for the Historic Preservation Fund for another 5 years. The Historic Preservation Fund is crucial to the proper functioning of the preservation partnership in this country. This fund, which is annually credited with $150 million derived from offshore oil and gas receipts, provides Federal funding for the National Trust for Historic Preservation, chartered in 1949, and the State historic preservation offices. The National Trust for Historic Preservation has long been recognized for its leadership in this field and for its unstinting efforts to protect our past. The State historic presevation offices are equally well known for their diligence, expertise, and even fervor in ensuring that we consciously guard our national inheritance.

Twenty-five years ago landmark legislation, the National Historic Preservation Act, established the Nation's historic preservation program. As part of that landmark legislation, the National Register of Historic Places was established, a register now listing 58,400 places significant to our history on it. The National Register complements the National historic landmarks and the units of the National Park System as a key building block of our heritage.

The National Historic Preservation Act of 1966 also created the State historic preservation offices which have worked as the Federal Government's partners in preservation. The funding mechanism for the State offices, as well as the National Trust for Historic Preservation comes through the Historic Preservation Fund. The noncontroversial legislation, which I am introducing today, will allow this partnership so key to protecting our heritage to continue.

At this point, Mr. Speaker, I would include a copy of the legislation and the letter of transmittal from the Department of the Interior.

H.R. 4801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 108 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), is further amended by striking "1992" and inserting in lieu thereof "1997".

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, March 18, 1992.

HON. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a draft bill, "To amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund."

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

The enclosed draft bill would extend through fiscal 1997 the period in which $150,000,000 per year is authorized to be included in the Historic Preservation Fund from Outer Continental Shelf Lands Act revenues. Under the National Historic Preservation Act, such revenues are included in the Fund through fiscal 1992. Monies in the Fund are available for appropriation for matching grants to the National Trust for Historic Preservation, the States, and Indian Tribes.

The Fund was last extended by the Act of October 9, 1987 (101 Stat. 800), to authorize revenues to be included in the Fund from fiscal years 1987 through 1992. In fiscal years 1987 through 1991, a total of $126,121,504 was appropriated from the Fund, and for fiscal year 1992, the President's budget requested, and the Congress appropriated, an additional $35,931,000.

Although the enclosed legislation would authorize $150 million in appropriations annually for five fiscal years, the actual amounts recommended will be set forth in annual Administration budget requests. Our recommendation that the Fund be reauthorized is not a commitment, in advance, to future budget requests in specific amounts.

Enactment of this legislation would have no "Pay-as-you-go" implications under the Budget Enforcement Act, since it would provide for neither direct spending nor increased revenues.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

JENNIFER A. SALISBURY,
Deputy Assistant Secretary.

STOP THE SLAUGHTER IN SOMALIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GILMAN. Mr. Speaker, I rise to introduce House Resolution 422, a resolution that brings attention to the devastating crisis in Somalia.

Somalia is a nation in the throes of self-destruction. Following the fall of dictator Siad Barre in January 1991, the people of Somalia have been gripped by a humanitarian emergency among the worst the world has ever seen. The battle in the capital city of Mogadishu between Gen. Mohamed Farah Aideed and interim President Ali Mahdi Mohamed has left over 10,000 civilians dead and almost 30,000 wounded in 4 months of vicious fighting. Millions more face starvation, and there have been reports that 80 percent of the children in some areas of the country are critically malnourished.

Over the past decade, we have all been witness to the tragic cycle of drought, famine, and civil war that has touched the lives of millions of people throughout the Horn of Africa. But Somalia over the last 4 months deserves a special page in the history of human misery.

Food supplies around the country are dangerously low, and the violent breakdown of civil order has made delivery of significant food shipments all but impossible. Hospitals in the capital city are overflowing and stocks of the most basic medicines are dwindling. Somalia doctors and nurses, working without pay to salvage the lives of thousands from the wreckage, are themselves living hand to mouth. To escape the terror, thousands have fled Mogadishu without food, water, or shelter and are living on barren patches of land surrounding the city.

House Resolution 422, Mr. Speaker, seeks to add the voice of this House to the chorus calling for peace in Somalia. It urges General Aideed and interim President Ali Mahdi, indeed all the warring parties in Somalia, to guarantee the safety of emergency aid and relief personnel and to commit to an immediate suspension of the artillery fire that has claimed the lives of so many innocent Somalias. I look with great hope upon the recent actions of the United Nations to broker a peace settlement among the opposing sides and to forge an agreement among clan chieftains to monitor the U.N.-sponsored truce signed on March 3.

While initiatives on the political side proceed, efforts to step up emergency relief activities must not delay. The international community owes a great debt of gratitude to the handful of relief workers and private organizations still operating in Somalia, upon whose shoulders has rested truly the weight of the world. One can hardly imagine circumstances more difficult or more dangerous than those in Mogadishu through recent months. And I would also draw attention to the excellent work of our own office of foreign disaster assistance for their continuing efforts to get food and medicine to those in need.

The U.N. response to the humanitarian crisis in Somalia, however, has not been ade-

quate. To that end, this resolution also calls upon our representative to the United Nations to urge that the United Nations immediately begin an emergency relief program in Somalia, even in the absence of a permanent cease fire. Innocent Somalis cannot be allowed to suffer for the moral myopia of their leaders blinded by the desire for power.

While peace in Somalia may be elusive,this must not deter our efforts to secure it. Accordingly, I ask my colleagues to support House Resolution 422, so that we may begin to forge some order from the chaos in the streets of Mogadishu and bring an end to the months of senseless destruction.

Mr. Speaker, I insert House Resolution 422 in full at this point in the RECORD:

H. RES. 422

Whereas the civil war in Somalia and the ensuing chaos has led to extraordinary abuses of human rights by the warring factions and a dire humanitarian crisis;

Whereas relief groups estimate that as many as 30,000 Somali civilians have been killed or wounded since fighting escalated in mid-November;

Whereas an estimated 1,500,000 Somali civilians living in and around the capital city of Mogadishu are at immediate risk of starvation and epidemic disease and an additional 4,500,000 civilians throughout southern Somalia are also facing hunger and disease;

Whereas both major armed factions, headed by General Mohamed Farah Aideed and Interim President Ali Mahdi Mohamed are using artillery indiscriminately in the city of Mogadishu;

Whereas according to international humanitarian organizations, approximately 75 percent of all casualties are a result of indiscriminate artillery fire by both sides;

Whereas the targeting of civilians is prohibited by Common Article 3 of the Geneva Conventions which is binding upon all parties to the conflict in Somalia;

Whereas most artillery pieces are under the central command of the two principal warring factions and their use could be suspended and monitored immediately, resulting in an immediate cease-fire;

Whereas the shelling has been so intense that most humanitarian organizations have had to suspend their operations;

Whereas international relief workers with the International Committee of the Red Cross, Save the Children/UK, International Medical Corps, Medecins Sans Frontieres, and volunteer Somali doctors and health professionals have, at great personal risk, attempted to meet the need for food and medical care; and

Whereas the United Nations humanitarian organizations have not had a presence in Somalia for over a year and have yet to reestablish a presence in the country: Now, therefore, be it *Resolved*, That the House of Representatives—

(1) condemns unequivocally the conduct since November 1991 of General Mohamed Farah Aideed, Interim President Ali Mahdi Mohamed, and other warring parties which has resulted in the destruction of Mogadishu and has placed at grave risk the entire civilian population of the city;

(2) calls upon General Mohamed Farah Aideed, Interim President Ali Mahdi Mohamed, and all warring parties to—

(A) curb the wanton violence and destruction that they have visited upon the civilian population of Somalia by immediately suspending artillery shelling;

(B) guarantee protection of relief commodities from port or airport;

(C) participate in good faith in United Nations sponsored efforts to achieve a complete cease-fire and eventual political reconciliation in Somalia;

(3) commends the United States Office of Foreign Disaster Assistance for its significant efforts to provide food and humanitarian relief to Somalia;

(4) commends United Nations Secretary General Boutros Boutros Ghali for his attention to Somalia and for promoting the adoption on January 23 and on March 17, 1992, of resolutions on Somalia in the Security Council of the United Nations;

(5) calls upon the United States Representative to the United Nations to urge the United Nations to—

(A) appoint a special United Nations envoy to Somalia to engage in sustained efforts to facilitate relief for Somalia as well as to further negotiations to end the conflict and achieve political reconciliation;

(B) take such steps as may be necessary, including the establishment of a United Nations presence in Mogadishu, to assure the safety of United Nations and other relief personnel and to coordinate relief efforts and facilitate negotiations; and

(C) Allow the provision of extensive food and humanitarian relief even in the absence of a cease-fire; and

(6) requests that the Secretary of State convey to General Mohamed Farah Aided, Interim President Ali Mohamed, and all warring parties the United States' condemnation of the practices employed by all parties which have contributed so greatly to the tragedy in Somalia.

RECOGNITION OF SHIRLEY CAMPBELL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. STARK. Mr. Speaker, I would like to take a moment to recognize Shirley Campbell of Hayward, CA. Ms. Campbell has, throughout the years, dedicated much of her time to the community and, by doing so, has become a pillar of the city in which she lives. In 1953 Ms. Campbell graduated with a B.A. from the University of California and, 1 year later, completed graduate work for a secondary teaching credential. She is married and has three children.

Ms. Campbell's involvement in the community began in 1960 when she served as the president of the San Lorenzo Parent Nursery School. She served until 1961, and, in 1964 became the president of the California Council of Parent Participation Nursery Schools where she served until 1966. From there she became the president of the Winton Junior High School Parent Teacher Association [PTA] and served as president of the Hayward Council PTA from 1968–70.

Throughout the late sixties and the seventies Ms. Campbell took on various projects throughout her community. In 1969 she began to fight against drug use and abuse and became the co-organizer of Project Eden's Parents' March Without Drugs. In that same year she joined the board of directors for the Project Eden Community Drug Abuse Program where she served until 1980. In the early seventies Ms. Campbell chaired the Sunset Area Pool Committee and in 1971 served for a year on the Citizens' Advisory Committee of the Hayward Area Recreation and Park District. In 1974 Ms. Campbell joined the Coordinating Committee for the Hayward Community Cleanup. During this time she served on the board of directors for the California Association of Recreation and Parks Districts, of which she became president in 1978 and served a 2-year term.

During this time, Ms. Campbell dedicated much effort to the preservation of the environment and in 1976 became a member of the Advisory Council of the Bay Area Air Quality Management District. She served as the chairperson of this council from 1983 to 1984. She joined the board of directors of this committee in 1984 and served as chairperson in 1989–90. During this time she worked on the professionals' committee for the Moreau High School Presidents' Council and was on the Bay Vision 2020 Steering Committee.

Currently, Ms. Campbell is the cochairperson of the Council for the Prevention of Drinking and Driving and serves on the board of directors for the Greater Hayward Area Recreation and Park Foundation, of which she is the vice president. She is also a member of the League of Women Voters, the National Women's Political Caucus, and works with the National Association for the Advancement of Colored People [NAACP]. Among other groups she is also a member of the South Hayward Democratic Club and the University of California Alumni Association. She has further involved herself in the Alameda County Mental Health Association and the Hayward Area Forum of the Arts.

Ms. Campbell has received many awards throughout her terms on the various boards and councils mentioned above. In 1968 she received a California PTA Honorary Life Membership and in 1972 was given the Outstanding Citizen Award from the Hayward Area Recreation and Park District. Most recently, in 1987, she was granted the Robert W. Wetzel Award for Outstanding Contributions from the California State Advisory Board on Alcohol Related Problems.

Ms. Campbell was elected to the Hayward City Council in 1980 and served as mayor pro-tem in 1981, 1985, and 1990. She will be retiring from the council, after 12 years of service, upon completion of her term. As a council member, Ms. Campbell chaired various committees such as the Shopping Center Committee, 1982–84 and the Airport Operation and Development Committee, 1988–92. She has also been actively involved with both the Environment and the Growth Management Committees.

As you can tell, Mr. Speaker, throughout the years Ms. Campbell has been extraordinarily active in various committees and organizations around her community. She has dedicated her time to the welfare of the area in which she lives and she has, over the years, set a new level of excellence in citizenship and public service. I would like to urge members of her community, and communities everywhere, to use Ms. Campbell as an example and take a step toward involvement in their communities so that, together, we can build a strong future for all.

HEINIG TRIBUTE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to two constituents and very special friends of mine, Drs. Edward and Ruth Heinig, both distinguished faculty members at Western Michigan University. On April 11, Ed and Ruth will be honored by their friends and colleagues on their retirement from almost three decades of teaching, scholarship, and public service.

Both Ed and Ruth arrived at Western Michigan University in the early sixties, only a few years before I joined Western's political science faculty. Ed became a member of the department of education and professional development, where he quickly established himself as an outstanding teacher and scholar. He made particularly significant contributions in the areas of multicultural education and health education, and was repeatedly recognized for his impact in the classroom. In 1972, he received the WMU Alumni Award for Teaching Excellence; in 1973 he was listed in "Outstanding Educators of America"; and in 1979 he was named the outstanding professor in graduate education by Western's Graduate Student Association.

Ruth Heinig's tenure at Western has been no less distinguished than that of her husband's. A member of the university's communications department, Ruth has published widely and taught courses in the areas of creative drama, communications, and speech. She has centered much of her work on creative drama for children, and the wide variety of her contributions led to Ruth's listing in Theatre News as one of the American Theatre Association's 110 most distinguished women. Ruth has also been repeatedly listed in "Who's Who in the Midwest," "World Who's Who in Women," "Who's Who in Entertainment," and "Who's Who in Education." In 1985, Indiana University presented Ruth with the key to the city of Indianapolis in recognition of her outstanding work in creative drama.

The contributions of the Heinigs over the past three decades have extended far beyond the classroom. They have both been deeply involved in all facets of the university community and have also given generously of their time and energies to a wide variety of off-campus volunteer enterprises. How they have found time to do it all is rather a mystery, but countless numbers of people have been touched by their service.

I feel privileged to have known Ed and Ruth Heinig. They are two remarkable people, and the dinner that is being organized in their honor is eloquent testimony to the love and respect their friends and colleagues hold for them.

Mr. Speaker, I am certain that my colleagues will want to join me in paying tribute to Ed and Ruth for their multiple contributions to public education and to their community. We congratulate them on their well-deserved retirement, and wish them both all possible happiness in the years ahead.

A TRIBUTE TO THE CUBAN RAFTERS EXHIBIT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to pay tribute to the exhibit at the Hacienda Mardenpaz by the Cuban American National Foundation. Mr. Ruben Abella has led in the organization of the exhibition, which honors the freedom-seeking lancheros who left Cuba on homemade rafts, hoping to realize their dreams in a free land. Manny Garcia of the Miami Herald reports:

Oneida Delgado fought back tears Tuesday morning as she toured several rafts used by refugees to flee Cuba, and models of the island's most notorious prisons.

Although it has been 32 years since she fled Cuba, Delgado said the replicas of seven prisons and the sun-dried purse she found in one innertube were too much.

"This is so emotional," Delgado said, "My children need to see this—the world needs to see this."

That's the message of the Cuban American National Foundation's exhibition that opened last weekend and closes Sunday at Hacienda Mardenpaz, a 20-acre ranch at 12240 SW 72nd St. in West Kendall.

Foundation member Ruben Abella said the jails were designed, painted and built by former political prisoners, many of whom spent years crammed into child-sized cells. Abella said the exhibit was planned to coincide with the United Nations meeting in Geneva on human rights violations in Cuba.

"We have to honor political prisoners, and the best way is to build this tribute," Abella said. "Cuba today is one big prison."

Abella said organizers came up with the idea last year when they heard former political prisoners speak about their experiences in jail.

Visitors agreed the most dramatic sights were the rafts, some made from Styrofoam, wood or innertubes, and a cell called the "drawer." The drawer, located in Tres Macio prison in Oriente province, is an eight-foot high, 20-inch wide cubicle lined with glass shards on two walls.

Five prisoners were usually crammed into the cell.

Kendall resident Bill Paschal called the exhibit a gut-wrenching experience.

"I think every American should see it," Paschal said. "It opens your eyes to what the Cuban people have suffered through. We are born with freedom here, but the average person has no idea what living under communism is like."

Mr. Speaker, I am pleased to acknowledge the work of the foundation in constructing this exhibit. This display of rafts and innertubes has given the people of our community an idea of what these people have gone through. It is a tribute to the men and women who have given their lives for the sake of freedom. Theirs is a desperate journey.

But Castro's communism will not last, and men and women will no longer have to leave their families behind in search of the liberties they are denied.

This exhibit stands in order that we understand and that we never forget what Cuba's people have suffered.

NEW MEXICO MAGAZINE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. RICHARDSON. Mr. Speaker, this year marks the 70th anniversary of New Mexico magazine, an outstanding publication dedicated to the spirit and beauty of the land of enchantment and her people.

Published by the State of New Mexico, this monthly information source has grown considerably since its first printing in July 1923. It was back in the administration of James F. Hinkle, New Mexico's sixth Governor, that the State highway department began publishing the New Mexico Highway Journal. The first issue—some 300 copies were printed—was filled with personnel and road building items from the New Mexico Highway Department.

The journal soon became a monthly, supported by advertising and running about 40 pages. There was no charge for copies. By the early 1930's the magazine got a new name, the Sunshine State's Recreational and Highway magazine, and a price, 15 cents a copy or $1 a year. By the mid 1950's the popular publication's names was changed to New Mexico magazine and came under the New Mexico Department of Development.

As the magazine enters its 70th year, it is its own division within the New Mexico Department of Tourism. It receives no State funding. Each issue averages about 100 pages. Circulation has grown to 125,000 with a yearly subscription rate of $19.95. It is read in every State of the Union and has a healthy distribution overseas. It routinely wins awards for editorial writing, photography, and design. In fact, just this past week, the magazine won a Maggie Award—a coveted industry citation—for best black and white article in a competition among all western magazines in the country. In short, the magazine is well known in publishing circles and is considered one of the premier State publications.

I urge my colleagues to join me in wishing New Mexico magazine a most well-deserved 70th birthday.

SALUTE TO CHIEF JAMES McMULLEN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a leader in the campaign for fire safety as he retires as California's fire marshal.

James F. McMullen served the residents of the Golden State as fire marshal since 1985, capping a 30-year career in a variety of firefighting positions. As fire marshal, Jim was responsible for enforcing fire-related laws, investigating arson fires, providing training and education for firefighters, approving fire alarm systems and gathering data on fires and burns that occur throughout the State.

In addition, Jim has taught extensively in the community college and State training systems

and holds a lifetime teaching credential, as well as a master's degree in public administration.

Jim also has served as chairman of the Governor's Special Arson Task Force and the State Board of Fire Services, and president of the National Association of State Fire Marshals. He is a member of numerous organizations, including the California Fire Chiefs' Association, the State Firefighters Association and the Lions Eye Foundation.

This year, the California Association of Homes for the Aging honored Jim as its public official of the year for his work on behalf of older Californians.

Mr. Speaker, Jim's many friends will be honoring him on April 11 for his work on behalf of fire safety. I urge my colleagues to join me in saluting him for his many accomplishments, and in wishing him well.

STANFORD'S WOMEN BASKETBALL TEAM WINS NCAA TOURNAMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EDWARDS of California. Mr. Speaker, it is my distinct pleasure to join in commending the Stanford University's women basketball team for winning the NCAA Tournament.

In an era of highly competitive collegiate athletics, Stanford has performed the impressive feat of its second national championship in 3 years. Playing their second game in as many days, the Cardinal proved their stamina and determination in battling a very good western Kentucky team in a hard-fought game. For those of my colleagues who did not have the pleasure of watching the NCAA women's final on television on Sunday, both teams demonstrated the high quality of women's basketball in the NCAA today that merits continued national network coverage. I look forward to more of the same excitement and action in next year's tournament—with the same results.

Mr. Speaker, I commend to my colleagues an article highlighting Stanford's exceptional achievement printed in the New York Times on April 6, 1992.

PEPPIER STANFORD WINS WOMEN'S TITLE

(By Michael Martinez)

LOS ANGELES, April 5.—They hugged and shouted and cried when the game was over, and then they cut down the nets to remember the moment. What won that moment—and the national championship—for the Stanford women's team today was stamina.

The Cardinal had it. Western Kentucky did not.

Stanford pressed, raced, rebounded and never seemed to stop its frenetic pace, beating Western Kentucky, 78-62, to win the women's National Collegiate Athletic Association title in front of 12,072 at the Los Angeles Sports Arena.

Both teams had to turn around quickly after semifinal victories on Saturday, but Western Kentucky was less able to shake off its weariness. As a result, the Lady Toppers didn't press when they could have and didn't shoot well when they should have.

WE JUST DIDN'T SHOOT WELL

"In the first half, we got great shots," Coach Paul Sanderford said, "but we just didn't shoot well. Fatigue was part of the problem. Stanford's defense was part of the problem. But they gave us some good shots."

Western Kentucky's 29.6 shooting percentage was the lowest ever in a title game. Stanford shot just 40 percent but made 31 of 37 free throws and 10 of its last 12 after the Lady Toppers had narrowed a 24-point deficit to 9, 68-59, with three minutes left.

Stanford (30-3), which won its second national championship in three years under Coach Tara VanDerveer, has met its primary goals this season, except one.

PRESSURE COMES TOO LATE

"Our captains set some high goals, but there's still one left," VanDerveer said. "Getting on the 'Arsenio Hall Show' was last on the list. Maybe we'll get that one now."

Maybe. The Cardinal played as if it were Showtime today.

It led by 10 points in the first half, then made five of its first six shots to open the second half and extended the lead to 59-35 with 13 minutes 20 seconds remaining. But after Western Kentucky (27-8) outscored Stanford by 25-9 over the next 12 minutes, Sanderford wondered why he hadn't used a pressure defense earlier.

"I kick myself now for not pressing them earlier," he said. "I don't want to say we were passive, but I guess that's the word. It cost us. I was scared about our legs at the end of the game."

Sanderford said he was worried that his players might not be capable of keeping up a hectic defensive pace for 40 minutes. But Stanford, which pressed successfully, didn't seem bothered.

"Conditioning is a big factor," Cardinal center Val Whiting said. "We do a lot of sprinting before the season, and it seems kind of stupid, but it pays off. I don't know what other teams do, but I sometime feel like we're in better shape than they are."

They were today. Molly Goodenbour, who was named the tournament's most outstanding player despite going 3 for 10 from the field, did well protecting the ball after the Lady Toppers got close.

"I don't think there's anyone in the country who can run with Molly," VanDerveer said, "She's got legs."

A FRESHMAN RE-EMERGES

So did others. The front line of Whiting, Rachel Hemmer and Chris MacMurdo finished with 39 of their team's 51 rebounds, and four players scored in double figures, led by Hemmer's 18.

Stanford built a 10-point lead in the first half, 37-27, with help from freshman Rachel Hemmer, whose play in Saturday's semifinal victory over Virginia had been almost nonexistent.

Hemmer fouled out in 19 minutes and scored just 5 points against the Cavaliers, but she emerged as an inside force today. Despite two turnovers at the start, the 6-foot-3-inch forward made six straight free throws and later began a 10-0 Cardinal run with a layup. She also scored at the end of the burst, following her own miss with another layup.

By the break, Hemmer had 12 points, 8 rebounds and 1 steal. She and Chris MacMurdo, Stanford's other forward, totaled 17 rebounds, just 2 fewer than Western Kentucky's entire lineup.

The Lady Toppers remained relatively close only because of guard Kim Pehlke, who scored 11 in the opening half—she had 16 for the game, including 4 of 8 3-pointers—and made a brilliant spin move to the basket in the last few minutes of the half that cut Western Kentucky's deficit to 6 points, 31-25.

But Stanford scored 6 of the last 8 points before the buzzer to lead, 37-27.

INTRODUCTION OF THE HATE CRIMES SENTENCING ENHANCEMENT ACT OF 1992

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SCHUMER. Mr. Speaker, today I introduce the Hate Crimes Sentencing Act of 1992. This legislation would direct the U.S. Sentencing Commission to establish guidelines to increase the sentence for the commission of any Federal crime where the perpetrator was motivated by hatred, bias, or prejudice based on his victim's race, color, religion, national origin, ethnicity, gender, or sexual orientation. This act would result in an average increase of one-third real time served.

I only wish that such legislation was not necessary. But it is. The evidence is all around us.

A veritable epidemic of hate crime is sweeping through this Nation at an alarming rate.

In Raleigh, NC, a 24-year-old Chinese-American man is savagely beaten to death with the butt of a gun and a broken bottle by two white men who claimed they didn't like orientals.

The Yeshiva Kerem Schlomo in the Bath Beach section of Brooklyn is viciously desecrated when four fires are set, and three pentagrams and offensive slurs, such as Hail Satan, are scrawled throughout the building.

In Laguna Beach, CA, pipe-wielding skinheads, yelling "kill the faggot," beat a gay man unconscious and leave him for dead.

In Portland, OR, an Ethiopian man is clubbed to death by white supremacists.

These chilling examples illustrate the cancer of hate crime that is growing with each passing year. The sad statistics bear this out.

According to the Anti-Defamation League of B'nai B'rith, the number of anti-Semitic acts committed in this Nation in 1990—1,685 reported from 40 States and the District of Columbia—was the highest total ever reported since such records have been kept. The National Gay and Lesbian Task Force Policy Institute reported that anti-gay assaults in our major cities increased by 42 percent in 1990. Asian-Americans have noted a dramatic increase in anti-Asian violence as Japan-bashing has become fashionable.

We cannot rationalize these incidents as aberrations. Not when Presidential candidate Patrick J. Buchanan recently captured nearly 37 percent of the votes in a recent primary with a campaign centered around a homophobic TV ad. Not when David Duke's campaigns, laden with racist and anti-Semitic slurs, grabbed national headlines and nearly propelled him into office.

This is not the dream Revered King envisioned for America. Nor is it mine. It is time for Congress to fill the vacuum of national leadership on this issue and send a clear signal that hate crime is not the American way.

The States are already way out in front of the Federal Government on this issue. Cur-

rently, almost every State in the Union has some form of hate crimes statute. These crimes should not go unpunished under Federal law because of an omission in the sentencing laws. My bill would correct this defect. If a Federal crime, whether it be kidnaping, homicide, illegal possession of firearms or explosives, destruction of Government property, or any other Federal crime is motivated by hate, then under the bill, the court would be empowered to impose a stiffer sentence.

In 1990, the congress took a step in the right direction when it enacted the Hate Crimes Statistics Act. But simply knowing the depth of our problem is no longer enough. We must now act to catch up with the States and punish those who commit hate crime. I urge my colleagues to support this bill.

DECLARATION OF THE CROATIAN COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. TRAFICANT. Mr. Speaker, I submit the following declaration by the newly formed Croatian Committee for the Defense of Human Rights to the CONGRESSIONAL RECORD for the consideration of the Congress:

ZAGREB, FEBRUARY 24, 1992.

Setting forth the fact that the history of mankind is in fact an incessant struggle for the realization of elementary rights and freedoms and continuing the struggle for the affirmation of civil, political, economic, social, cultural, religious and other personal rights, the parliamentary parties represented in the Parliament of the Republic of Croatia declare that on February 24, 1992 they have formally inaugurated the Croatian Committee for the Defense of Human Rights with its headquarters in Zegreb, Trg Hrvatskih velikana 2/I.

This Committee's purpose is to promote, further and protect fundamental human rights proclaimed in Article 3 of the Constitution of the Republic of Croatia, i.e. freedom, equality, equality between national groups, social justice, respect of human rights, inviolability of ownership, preservation of nature and the environment, and the reign of justice and a multi-party democratic system.

It is natural for a responsible person to fight for his natural rights and to broaden the area of articulation of his rights. As far back as 1679, in the Habeas Corpus Amendment Act do we find the first legal rulings concerning the protection of the citizens of England from arbitrary arrest and prison detention, such that the Bill of Rights in 1689 would extend that protection to also include other rights of ordinary citizens. The American Declaration of Independence proclaims that all are created equal and that life, liberty and the pursuit of happiness are inalienable rights, and after the French Revolution, the Constitutional Congress of 1789 brings about the first European Declaration of the Rights of Man and of the Citizen which begins with the famous Article 1: "Men are created and remain free and equal in rights" and wherein Article 2 the four fundamental rights are enumerated, "freedom, ownership, security, and resistance to tyranny".

The General Assembly of the United Nations, at its meeting in Paris on December 10, 1948, accepted the Universal Declaration of Human Rights to which were carried over from the French Declaration of the Rights of Man elementary rights, though broadened to include protection of new human rights which, with the passing of time, have been affirmed. The United Nations' Declaration prohibits every racial, sexual, religious, social, political and property discrimination.

All human rights' principles from the UN Declaration were carried over into the Constitutions of democratic states and into the Constitution of the Republic of Croatia. This, however, at the same time does not mean that human rights are always being universally respected. To the contrary! We are witnesses to repeated violations of human rights on the territory of Croatia, due to the insufficient and ineffective functioning of a lawful state. War is not and cannot be an excuse for illegal arrests, unacceptable maltreatment of prisoners, breaking into people's apartments, the suspension of parts of the criminal-judicial process which determine the fundamental protection of man as an individual, for bringing about authoritarian statutes which imperil elementary human rights and which bring into question the protection of citizens from the arbitrariness of state organs and opens the door to a dictatorship and police state.

Protecting human rights should be stopping the executive branch from meddling with the judiciary, stopping citizens from being subjected to verbal lynchings and public threats by those responsible in public life and similarly. Everything must be done to free this land from unprofessional and incompetent people who have taken up the biggest offices and from there, because of their own hypocrisy, unscrupulously violate fundamental human rights. Their rise is the fall of our soul. To not do anything against that is destruction and defeat in an of itself.

Due to this, the opposition's recently founded Croatian Committee for the Defense of Human Rights has assigned itself the following priority duties for which to fight:

For holding free elections without the imposition of election laws;

For insuring the continuity of rights and of a lawful state;

For confirming an independent judiciary as the sole institution which makes determination about people's freedom;

For ending censorship of printed material and statutes on censorship empowered by law;

For cancelling military courts;

For changing citizenship laws;

For protecting victims;

For protecting new rights—ecological, health and others;

For independent television and radio.

The Croatian Committee for the Defense of Human Rights is the association of representatives in parity (2 each) of distinguished representatives of parliamentary parties. The Committee may have honorary members as well from the ranks of those so deserving for their defense of human rights in or outside of Croatia. By way of this declaration, those persons are invited to join the work of the Committee thereby contributing to the success of this Committee with their knowledge and moral support. The Committee is independent in its work but is authorized to cooperate with all such or similar committees in the world—Amnesty International, Human Rights Watch, Helsinki Watch and many others.

The opposition's Committee for the Defense of Human Rights is a completely different association from the Parliament's Committee for Human Rights which, unfortunately, has remained in a capacity of protecting the existing government and not the citizen.

That is why all citizens of Croatia are called upon to inform the Committee about observed violations of human rights at the following address: Croatian Committee for the Defense of Human Rights, Zagreb, Trg Hrvatskih velikana 2/I, either in writing or directly through a Committee representative.

The Croatian Committee for the Defense of Human Rights: Ljubomir Antic, Slobodan Budak, Dr. Filip Culo, Silvije Degen, Ante Djapic, Gordana Grbic, Dr. Jure Juras, Ivan Juricic, Drago Kastratovic, Dr. Asim Kurjak, Dr. Slobodan Lang, Mladen Mesic, Zvonimir Nikolic, Dobroslav Paraga, Zeljko Perokovic, Zlatko Seselj, Dafinka Vecerina and Gordan Nidovic.

A TRIBUTE TO REV. DEREK J. LAWRENCE

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to celebrate a milestone in the Second Congressional District of Pennsylvania. On April 10, Rev. Derek J. Lawrence will celebrate his fifth pastoral anniversary at the New Psalmist Baptist Church in Philadelphia. His time at New Psalmist Church has been marked by his unselfishness and humanitarianism in his service to his community. It is indeed my pleasure to address my esteemed colleagues on the distinguished career of Reverend Lawrence.

Mr. Speaker, Rev. Derek Jay Lawrence was born on September 17, 1957, in Jersey City, NJ. As a dedicated Sunday school member, he demonstrated devotion to Christ and his teachings from a young age. In the early 1970's, Reverend Lawrence moved to Los Angeles, CA, where he joined the Christ is the Answer Church. At the age of 17 he answered the call of gospel ministry, and attended the Life Bible College of Southern California, where he received a bachelor of theology degree.

Mr. Speaker, Reverend Lawrence has given his life to spreading the word of God around the United States, conducting as many as 35 revivals a year throughout the country and leading local spiritual communities. In 1984, he was called to be pastor of the Second Nazareth Baptist Church in Philadelphia. During his tenure there, he oversaw major renovations, and phenomenal growth in membership, stewardship, and spirituality. His congregation drew inspiration from his strength and compassion, and, in 1986, the Philadelphia Evangelistic Bible School recognized his work with an honorary doctorate in theology.

Mr. Speaker, since 1987, Reverend Lawrence has served as pastor of the New Psalmist Baptist Church. In his first 5 years, the church's membership has swelled by over one thousand, and new ministries, such as a new drug counseling ministry, a food bank, and an outreach program have greatly enhanced the church's service to the community.

Reverend Lawrence is indeed a man who deserves our praise and respect. His excep-

tional career is marked by the enrichment of communities and the inspiration of his people through his tireless effort to spread God's message. It is once again my privilege to celebrate the fifth anniversary of his pastorage at the New Psalmist Baptist Church. It is my deep desire that with God's blessing the good works of Reverend Lawrence continue for decades to come. Mr. Speaker, I ask my colleagues to join me today in honoring Rev. Derek J. Lawrence.

ASSISTANT SECRETARY'S PERSPECTIVE ON YEAR OF THE AMERICAN INDIAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 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 an essay written by Eddie F. Brown, Assistant Secretary Indian Affairs, U.S. Department of the Interior, and published in the winter 1992 edition of the magazine "Native Peoples."

GUEST ESSAY

(By Eddie F. Brown)

Nineteen ninety-two, the Year of the American Indian, is a celebration of and for our people. Nineteen ninety-two also marks the 500th anniversary of the single most profound event ever to occur in the long history of the original inhabitants of the Americas. It has been 500 years—half a millennium—since the world as our forbearers knew it was forever altered by the arrival of three small ships from Spain.

The fact we have emerged from that long ordeal as intact tribal societies gives evidence of our resolve as a people, and is a testament to the spirit—and the spirituality—which we have inherited from our ancestors.

Although we have persevered for this half millennium, Indian people in 1992 face new challenges and demands for change that threaten our unity and our existence as tribes. If we as tribal societies are to move culturally intact into and through the next half millennium, I am convinced that we must renew our spirit and fully reclaim our rich spiritual inheritance. Our forbearers respected visionaries, and their reality incorporated the vision as readily as we accommodate the tangible of the present.

When I speak of vision for tribal communities, I am not merely talking about better planning for the future, although that is a part of it. The vision I am talking about is a reaching, a passion, something that arises from the tribal instinct within all of us to accomplish a destiny that grows from a single-minded determination to make both dreams and desires happen.

The futurist Joel Barker has said, "Nations with visions are powerfully enabled; nations without visions are at risk." For Indian people, those words are not a new message, but ancient wisdom. It is a wisdom we carry in our souls, but a wisdom that we infrequently put into action.

History is replete with greatness that was built on dreams and desires, the handmaidens to inspiration. They are fuel to our minds, the fire of our souls, the first glimmer of the future.

During the Bicentennial observance in Washington in 1976, a friend drove into the city on the night of the Fourth of July to watch that historic celebration. Along the George Washington Parkway, he passed a family with a large, hand-painted sign. "We're not perfect," it read, "but we're not finished yet." I think of that sign often. It is a summary that guides our stewardship—it acknowledges at once both the past and the future, and reminds us that in a democracy, good work is never finished.

If there is a key to all of this, it is the education of Indian young people. Indian education now has a commitment not only from the Bush administration, but from the tribes as well.

For the first time in more than seven years, our Office of Indian Education Programs has a permanent director, and a set of specific goals and objectives designed to move Indian students up to or above the national average in achievement test scores by the year 2000. Already we have seen a rise in test scores. Nearly half of our schools are included in the new Bureau Effective Schools Program, building close involvement of parents and local communities; ten schools participated in a pilot Exemplary/Recognition Program in 1988–89 which will provide direction for other Indian schools. A new Early Childhood Program, designed to ensure every three to five year old child enters school ready to learn, is being implemented at the tribal level. BIA schools have funding for a Gifted and Talented Program. The list goes on.

We have the dreams, the desires, the vision, the greatness and the inspiration—an unbeatable combination.

Along with President Bush, I want to see tribal governments take their rightful place as nations that sit in positions of dependent sovereignty with all the other governments that compose the family that is America. All of us must co-exist on an equal level.

I harbor no illusions about the nature of the work that lies ahead. I do know that for every complicated issue, there is a solution that is neat, simple—and probably wrong. There will be no rush to judgement.

We have begun to fashion the answers. Real reforms have been put in place and we must give them time to work. I'm confident they will.

There is a final component to all of this—a thing called hope. Indian people abound in it. That hope can be a vision that will bring us to our rightful seat among governmental entities, united with all the others as part of the union that is America.

We are honored that the nation has designated 1992 as the Year of the American Indian. May we, as Indians, honor ourselves by expanding on that to make 1992 the Year of the American Indian Vision.

RICHARD SCHIFTER LEAVES AN HONORABLE LEGACY IN THE FIELD OF HUMAN RIGHTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BEREUTER. Mr. Speaker, after 6 years of distinguished service, Ambassador Richard Schifter is retiring from his position as Assistant Secretary of State for Human Rights and Humanitarian Affairs. For the last 3 of those years, this Member worked closely with Ambassador Schifter in my capacity as ranking member of the Human Rights and International Organizations Subcommittee. Having worked so closely with Ambassador Schifter, this Member can testify to his positive impact on U.S. human rights policy.

During his tenure as the point man for human rights, Ambassador Schifter has been in the center of one of history's greatest shifts in democratic values. When he assumed your position as Assistant Secretary, there were dictatorships throughout South America, civil war in Central America, communist repression in Central and Eastern Europe, and a near-absence of democracy on the African continent. Now, 6 years later, many totalitarian regimes have been toppled, and the few remaining dictatorships are under siege.

Ambassador Schifter's efforts have borne remarkable results. This body can only hope his successor meets with similar success.

And yet, Mr. Speaker, the world faces real problems, and this body must think about how best to respond to these challenges. If we are unable to come up with effective responses to these challenges, the successes of recent years will surely be short lived.

In a recent speech before the U.N. Human Rights Commission, Ambassador Schifter discussed the successes of the past, and the challenges of the future. I insert this important message into the CONGRESSIONAL RECORD, and commend it to his colleagues:

STATEMENT BY RICHARD SCHIFTER, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

When the General Assembly voted on the Universal Declaration of Human Rights on December 10, 1948, six of the abstentions came from countries espousing Marxism-Leninism as their official ideology. In the decades that followed, these countries opposed many efforts by the international community to translate the principles of the Declaration into a consistent program of meaningful activity in support of the cause of human rights.

This was still the case six years ago, when I last addressed this Commission. None of us then anticipated the radical changes that would come about in the period immediately ahead, directly affect the essence of the work of this Commission. We most assuredly live in a different world today, a world in which the standards set by the Declaration are more highly respected around the globe than they have been at any time in the forty-three years since its approval by the United Nations General Assembly.

As we all know, the progress which we have witnessed in recent years in the field of human rights does not mean that this Commission should consider its task concluded.

There are a great many problems which continue to face the world stemming from the abuse of human rights. These include problems posed by countries which imported Marxist-Leninist philosophy from abroad and which seek to preserve this import in spite of the fact that it has been totally abandoned in the place of its origin.

But even in those countries, the rhetoric has changed from what it used to be. They see the need to justify their actions in terms of the basic ground rules of human rights. Last November one of the countries which still espouses Marxism-Leninism issued a comprehensive document, a White Paper, on the subject of human rights. That document spoke affirmatively of the Universal Declaration. But it set forth a number of propositions and made certain allegations, which we need to discuss and in some instances seriously challenge. By submitting these propositions and allegations to thoughtful analysis, we can indeed make a useful contribution to the cause of human rights.

Let us begin by focusing on the argument that the right to subsistence is the foremost human rights. It is an argument which has often been advanced in this Commission. No one can quarrel with the proposition that a person who has starved to death will not be able to make use of the right to freedom of expression. But where does this proposition and similar contentions concerning economic and social issues lead us in the context of a human rights debate?

We all, I am sure, agree that one of the major responsibilities of a government is to help provide a sound foundation for a prospering economy and social progress. In the democratic world many contests for public office turn on the economic and social programs offered by competing candidates. They are the very essence of the political debate, leading to the election of those candidates viewed best able to effect economic improvement. By contrast, where a government and a political party maintain a monopoly, where alternative approaches to economic and social policy may not be debated, the political competition that assures progress is suppressed. What recent history has so clearly demonstrated is that open, rather than close, societies have proved consistently best able to raise standards of living.

We are, therefore, ready to subscribe enthusiastically to the proposition that respect for civil and political rights, for free speech and free elections, goes hand in hand with economic progress. We would not shy away from going further in this discussion, but ask whether that should be doing under the rubric of human rights. Some years ago, on the floor of this Commission, I pointed out that Stalinist agricultural practices of collective farming retard food production and thus endanger subsistence. The command economy and its inefficient industrial complexes, which produce shoddy goods, have held back economic development in many parts of the world. By contrast, where a government discards command economic practices, we have seen that a people's natural entrepreneurial spirit blooms and everyone benefits. But is the Commission the place in which these questions can be constructively debated? Should the issues of economic management not be referred to appropriate expert bodies, while we discuss the way of laying a foundation for economic development, namely, the creation of a free society?

Let me now turn to another contention in the White Paper, that a country's human rights situation should not be judged in total disregard of its history and national conditions and that it cannot be evaluated according to a preconceived model or the conditions of another country. We agree, A good many of you may be familiar with the United States Supreme Court's Miranda decision, which requires policemen, when they arrest a person, to inform him of his right to remain silent. We do not believe that the Miranda rule must be observed universally. It does not reflect an international standard. Other countries, too, have special rules protecting human rights, which similarly do not reflect international standards.

But Article 5 of the Universal Declaration, for example, says that "no one shall be subject to torture or to cruel, degrading or inhuman treatment or punishment." Compliance with this highly important article should surely not depend on a country's history and national conditions. Every country has a moral tradition which echoes this commitment and every government has a duty to stamp out such treatment. A mere declaration that torture is not official policy does not constitute compliance if a blind eye is turned toward officials engaged in that egregious practice.

Article 20 of the Declaration provides for freedom of peaceful assembly. It does not condition that freedom to assemble on the uttering of politically correct thought or cheering the current ideological line. The use of violent force to disperse a peaceful assembly cannot be justified on the basis of history and national conditions.

Article 19 assures everyone of the right to freedom of opinion and expression and to seek, receive and impart information. That Article is not complied with by contending that in a given country "ideas alone do not constitute a crime." Article 19 does not protect only the right to hold opinions. It protects the right to express them, to impart information. Article 19 is violated if one can receive long prison terms for putting up a poster on democracy or sharing one's ideas about freedom. History and national conditions should not prevent a person from giving full peaceful expression to his or her beliefs.

There are real dangers when freedom of expression can be restricted by law. These restrictions are brought into play by making it a crime to express so-called counter-revolutionary ideas, thus allowing a government to label a political dissident a criminal. What makes an idea counter-revolutionary? Is it telling truths about what some people may view as a government's findings? Should people be jailed who ask the government to change its policies, to end corruption, for example? Why should criticism of governmental wrongdoing be seen as counter-revolutionary activity, leading to long prison terms? Isn't that approach precisely what leads to stagnation, as the experience of many countries has vividly demonstrated?

I have dwelled a great deal on the right to freedom of expression because of the fact that many other rights flow from it. Let me deal briefly with a few other issues raised by the Leninist approach to human rights. We are told that human rights are being respected when a country prohibits taking people into custody illegally or searching a person's body or house illegally. That sounds fine until we ask what the law allows in that regard. We discover that the public security organs have unbridled discretion to detain and to search. And they can hold a person in detention for many months before taking the next step of issuing a formal arrest order. Do these practices meet the standards of Articles 9, 11, and 12 of the Universal Declaration. We do not believe they do.

As to freedom of conscience and religion, assured by Article 18 of the Universal Declaration, we are told in the White Paper that domestic religious believers oppose any outside control or interference in their internal affairs. But freedom of conscience means the government does not legislate on behalf of the religious believers or make decisions on their behalf. If members of the Catholic faith, for instance, which to retain spiritual ties to a religious leader in Rome, the government has no right to deny it. No government has the right to imprison members of the clergy who refuse to abide by laws restricting their freedom of worship or their freedom of conscience by restricting contacts which transcend geographic boundaries. Such interference contravenes not only the Universal Declaration but also the Declaration against Religious Intolerance adopted by the United Nations General Assembly in 1981 after many years of preparatory work by this Commission.

Thus, when we deal with countries which at this late date still adhere to Leninist doctrine, we are dealing with a broad pattern of contravention of internationally recognized human rights, rights clearly spelled out in the Universal Declaration of Human Rights. The need to subsist and to develop economically reinforces the importance of respect for fundamental freedoms. It most certainly does not offer an excuse for their violation.

Let me now deal with a final point, the contention that discussion of a country's failure to abide by international human rights standards constitutes improper interference in the internal affairs of a member of the United Nations, in contravention of Article II, Section 7, of the United States Charter.

The argument is one which we have heard frequently in this Commission. But it comes forty years too late. The argument was initially advanced by South Africa when the United Nations system began to concern itself with the issue of apartheid. But as long ago as 1952 the United Nations decided, nevertheless, to focus attention on apartheid, maintaining such attention across the decades and with the support of the Leninist countries which were quick to criticize others' interest in their own approach to human rights.

Article II, Section 7, provides for non-interference only in matters which are "essentially within the domestic jurisdiction" of member nations. The United Nations Charter, whose authors were highly aware of the tragic human rights violations perpetrated during World War II, pledged the organization in Article I to the promotion and encouragement of respect for human rights and fundamental freedoms. The text made it clear that human rights problems would no longer be considered as essentially within domestic jurisdiction. Human rights violations are of concern to the international community whether they cause a person to be barred from a public accommodation because of the color of his skin or whether they cause a person to be incarcerated for organizing religious observance or for putting up a big character poster extolling democracy.

PENNSYLVANIA NATIVE NAMED TO COLLEGE FOOTBALL HALL OF FAME

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a sports legend from my district. This year, Lou Michaels will be inducted into the College Football Hall of Fame at a ceremony on April 29 in New York City.

Lou distinguished himself early at Swoyersville High School where he played football in his freshman and sophomore years. He then attended Staunton Academy in Virginia where he played varsity football for the remainder of his high school career.

He enrolled in the University of Kentucky and impatiently waited out his freshman year ineligibility and then started as an offensive tackle, defensive tackle, linebacker, punter, and kickoff man for 3 years. Lou still remembers fondly the Kentucky-Tennessee game in his senior year, when he was credited with single-handedly winning the game with 95 percent of the tackles. He earned All-America recognition for all 3 years. Although, Lou made the Seven-Up All-America First Team in his sophomore year and was a consensus All-American as a junior; he feels his greatest collegiate honor was being named Southeastern Conference Player of the Year in 1957 when he beat out LSU's Jimmy Taylor for the top honor.

Michaels was the Los Angeles Rams' No. 1 draft choice in 1958 and played defensive end for three seasons. In 1961, he was traded to the Pittsburgh Steelers and the next season, he broke Lou Groza's field goal record by kicking 26 field goals in one season. Among the many honors bestowed upon Lou during this period was the prestigious Dapper Dan Award, which is awarded to the outstanding athlete of the year.

In 1964, Lou went to play for the championship team of the Baltimore Colts until 1970. He played for a season with the Green Bay Packers until his retirement in 1972. Besides having his number 79 retired by the University of Kentucky coach Blanton Collier, Lou was honored by the Baltimore Colts by being named to the 25th anniversary team in 1977, the Pennsylvania Sports Hall of Fame in 1989, and most recently to the College Football Hall of Fame who will formally induct him this coming December.

Mr. Speaker, on April 29, Lou Michael will be honored by his friends, family, and colleagues for his outstanding athletic career. I am pleased to have this opportunity to join them in recognizing his accomplishments.

THE RHODE ISLAND STATE SENATE SALUTES THE MILKEN FAMILY FOUNDATION FOR ITS SUPPORT OF EDUCATION IN RHODE ISLAND

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. REED. Mr. Speaker, I rise to join the members of the Rhode Island State Senate in recognizing the Milken Family Foundation's support of innovative Rhode Island educators.

The Milken Family Foundation is dedicated to seeking out, supporting, funding, and recognizing educational professionals and programs. It also works to increase interest in careers in education and assist those who want to become educators.

In 1987, the foundation instituted an award program for California educators. Today, this program now recognizes teachers, principals, and administrators who represent the best and brightest in 12 States, including Rhode Island.

The foundation has also assisted the Todd Morsilli Fund of Warwick, RI. This fund was created after young Todd Morsilli was killed by a drunk driver. The foundation's support allows Todd's parents to visit area schools to discuss the tragic consequences of drinking and driving.

I urge my colleagues to join me in saluting the Milken Family Foundation and its unflagging support of educational excellence in America.

SALUTING THE TRIO PROGRAM IN INDIANA

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ROEMER. Mr. Speaker, I rise today to recognize the success of the TRIO programs in Indiana colleges and universities. I am a strong supporter of the TRIO programs and their early intervention efforts designed to help more young people from disadvantaged backgrounds, or first-generation college students, pursue postsecondary education opportunities.

Last year, the Subcommittee on Postsecondary Education, of which I am a member, conducted 45 days of hearings on the reauthorization of the Higher Education Act of 1965, which includes the TRIO programs. I was pleased that representatives from the University of Notre Dame and others were able to participate in several of the hearings which focused on the effectiveness of the TRIO programs. Without exception, all of the witnesses testified in support of the TRIO programs, and the importance of informing students and their families about the availability of financial assistance for postsecondary education early in their school years.

In July 1990, the General Accounting Office issued a report entitled, "Gaps in Parents' and Students' Knowledge of School Costs and Federal Aid" which pointed out that only 12 percent of all high school sophomores knew about the existence of Pell grants, and only 8 percent were aware of Stafford loans. I believe that this report points out the critical need for information, counseling, and early outreach activities to ensure equal educational opportunities for all students. Since the early days of the program, TRIO has been effective in identifying eligible students and providing the necessary support services which promote access to college.

The success of the TRIO programs, which include talent search, upward bound, special services for disadvantaged students, educational opportunity centers, the Ronald E. McNair Post-Baccalaureate Achievement Program, and staff training and program evaluation, is attested to by the broad bipartisan support the programs receive in Congress. In fact, the 1992 higher education amendments, which recently passed the House of Representatives, significantly strengthen the TRIO programs. These programs are viewed as integrally related to financial aid programs, and have enabled students throughout the Nation to achieve their goal of equal access to higher education.

There are currently 26 TRIO programs in Indiana, consisting of 11 student supportive services programs, 7 talent search programs, 6 upward bound programs, 1 educational opportunity program, and 1 Ronald E. McNair achievement program. These programs have been proven time and again to assist economically disadvantaged students attain their goal of attending and graduating from an Indiana college or university.

Mr. Speaker, in closing I would like to commend the University of Notre Dame for hosting the fifth annual National TRIO day recognition program on February 29 of this year. I appreciate the opportunity to recognize and support the TRIO programs, which assist young people in Indiana and all across the country in pursuing academic goals that lead to successful postsecondary education opportunities.

UNITED STATES' ENTRY INTO WORLD WAR I

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MAVROULES. Mr. Speaker, 75 years ago the United States was plunged into one of the bloodiest wars in modern history. On April 6, 1917, following months of unrestricted submarine attacks on neutral shipping, Congress voted to enter World War I on the side of Britain, France, and other allies. With a 3 a.m. vote to support President Woodrow Wilson's request, America was thrust into the war to end all wars.

To the tune of "Over There," millions of Americans marched to battle, endeavoring to protect American lives and pursuing a rapid end to the devastating carnage that afflicted the globe. America's Armed Forces totaled 4,800,000 men, and over 2 million served as members of the American Expeditionary Force under Gen. John J. "Blackjack" Pershing.

Additionally, more than 116,500 American soldiers were killed, and more than 200,000

suffered injuries. Thousands more were never found. Casualties resulted from bombardments, minefields, sunk shipping, and the agony of gas attacks. Today, we pause to commemorate those who fought and died upon the seas and on the fields of Argonne, St. Mihiel, Belleau Woods, and other battlefields across Europe. We must never forget the ultimate sacrifice that these Americans paid for their nation. We also honor those who survived the ordeal of battle, from the early aircraft pilots to the men who suffered the burden of trench warfare. Even today these veterans stand as proud reminders of the bravery exhibited by our Armed Forces during this difficult time. We pray fervently that the world learn the lessons of this and every war, and act to prevent such devastating bloodshed from further tormenting mankind.

THE OCCASION OF JOE SESTO'S 80TH BIRTHDAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Mr. Joe Sesto, who turns 80 years old today. Joe was born Easter morn in Omaha, NE on Apr. 7, 1912. He graduated from Creighton University Preparatory School and attended Iowa State University at Ames, IA, majoring in general engineering. He later attended Purdue University to study industrial psychology, and subsequently qualified as a psychological employment placement counselor.

After several years as an active community member in Omaha and Chicago where he worked in the insurance industry, Joe packed up his family and moved to Santa Maria in my congressional district in 1950. Since that time, Joe Sesto's footprints have been all over the area. His honors and accomplishments have been manyfold, from serving the Mission Boy Scouts Council to being the chairman of the local American Heart Association, for which he received the Gold Medallion Award. In 1954, Joe was president of the Santa Maria Valley Chamber of Commerce. He was the founding president of the economic development association in 1960. He was chairman of the Ways and Means Committee for the construction of the Marian Medical Center. As chairman, Mr. Sesto has been acknowledged as the prime mover in the designing, financing, and construction of the center. Joe has served on the county grand jury, the county arts commission, the county health commission, the city of Santa Maria Planning Commission, as chairman for the development of the cultural facilities, chairman for the bond drive to build Hancock College Performing Arts Theatre, and past president of the Robert Goddard chapter of the Air Force Association. Joe at the ripe young age of 80 continues to serve on nine community boards.

In 1957, he met Gen. Bernard Schriever at Camp Cooke, who announced the base was to be taken over by the Air Force and named Vandenberg Air Force Base. Since then, Joe, as chairman of the military affairs committee, has been liaison to the base. His Air Force commitments have brought him commendations and recognition; he has received national, State, and local awards for his Air Force Association activities. Vandenberg's legendary friend has received the Exceptional Service Award, the highest civilian award given by the Air Force. Lt. Gen. Donald Aldridge named Joe honorary missileer at the 1990 Missile Competition. Joe's greatest honor occurred on April 25, 1986, at a quarterly awards function held in the base auditorium when Gen. Jack L. Watkins rededicated the building as "Sesto Auditorium."

Mr. Speaker, I urge my colleagues to join with me today in wishing my long-time constituent, and very good friend, Joe Sesto, a very happy 80th birthday, with many more to come. I wish him and his wife, Philomene, all the best.

A CONGRESSIONAL SALUTE TO WAYNE BETTIS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a remarkable man, Mr. Wayne Bettis, a long-time friend to the greater Los Angeles area. In recognition of his enormous contributions to our community, Mr. Bettis will be honored by the Boy Scouts of America as the 1992 recipient of the Harbor Distinguished Citizen Award. This occasion affords me the opportunity to express my sincere gratitude for the work and services he has so graciously provided.

Born in Santa Ana, CA, Wayne and his family moved to San Pedro in 1942. He attended the Seventh Street School, Dana Junior High School, and San Pedro High School where he displayed his athletic prowess as a member of the swimming, tennis, and football teams. Upon graduation, Wayne entered Harbor College, where he served as a member of the student council, president of his fraternity, and chairman of the interfraternity council. Upon receiving his AA degree, Wayne attended Long Beach State College until he was drafted into the U.S. Army in 1956. Stationed in Fort Carson, CO, Wayne was the NCO in charge of officers records for the 9th Infantry Division. It was while serving his country, that Wayne married, in August 1957, the light of his life, Barbara Hall.

Following his service experience, Wayne joined his father and brother, Jim, in the auto repair business, "101 Bear Service". He remained with the auto repair business until 1967 when he left to become an insurance agent with State Farm Insurance Cos. After taking over as agency manager in Culver City, Wayne moved this agency to his home in San Pedro.

In addition to his commitment and service to State Farm, Wayne has been active in community service as well. He joined the 20–30 Club in San Pedro in 1959 serving as president, district lieutenant governor, and district governor. He joined the San Pedro Optimist Club in 1971 and was its president from 1973 to 1974. Wayne also became a member of the San Pedro Lions Club in 1979, where he has chaired many committees and served as president from 1986 to 1987. He has been a member of the board of directors and chairman of booth operations for the Fisherman's Fiesta. Currently, Mr. Bettis is vice president of the board of directors for the Salvation Army.

My wife, Lee, joins me in extending our thanks to Mr. Wayne Bettis for his many contributions to our community. We wish Wayne, his wife, Barbara, their three children, Gary, Kristy, and John, and their respective spouses Lori, Dan, and Dianne, and his grandchildren, Melissa, Jacob, Erik, and Jeffrey all the best in the years to come.

IMPORTANT REFORMS NEEDED IN HOUSE

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. CAMPBELL of California. Mr. Speaker, we all acknowledge that the House of Representatives faces a major crisis. At this time, I believe that we should restore the fundamental purpose of this body. The name itself, "House of Representatives," indicates that this body was meant to represent the people. The Founders did not envision a detached institution. We must ask, I believe, the following question: How can we make this House a truly representative body once again? I believe that we can do so by enacting important reforms, especially term limitations.

Mr. Speaker, the House leadership has paid significant attention to the resignations of certain House employees. However, it has not yet recognized that other employees—the Members themselves—should have finite terms of employment. As I have already noted, the Congress needs to eliminate its institutional isolation. Is this possible if Members can spend decade after decade within the confines of the beltway? I certainly do not think so.

We can solve the inherent problems of an entrenched elected bureaucracy by eliminating the entrenchment. The term limit would emphasize that we are here for one purpose—to represent our constituents—and that we should make the most of the time we have because it will not last forever. This is not a radical theory, just simple common sense. I propose 4-year terms for Representatives, with a maximum of three terms. That will also have the benefit of cutting the cost of campaigns in half—they will come less frequently by half.

Of course, there are other necessary reforms. And we should not ignore past progress. When Congress eliminated honoraria, we took an important step to curb abuses of power. We should proceed from here to eliminate other special privileges held by House Members. If Members of Congress continue to have privileges that our constituents do not, it will be impossible to restore the people's confidence in the people's House. We need to pass legislation like H.R. 3555, which presently has over 40 cosponsors and which I was proud to cosponsor last Novem-

ber. By eliminating special privileges, the House can enact a key part of comprehensive congressional reform.

Mr. Speaker, let's move ahead. Let's enact term limitations and recognize that we need to restore the faith in this institution. Let us, above all else, recognize that the only worthwhile privilege we have is the privilege to represent our constituents.

TRIBUTE TO DR. ISAAC ASIMOV

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GREEN. Mr. Speaker, I rise today to pay tribute to the memory of my constituent, Dr. Isaac Asimov, whose career as an author and biochemist has distinguished him as one of the great intellects of our age. Dr. Asimov passed away in New York City yesterday.

In 1938, when Dr. Asimov wrote his first story, he began a career which has since produced almost 500 books and many times more short essays and articles. His books have dabbled in subjects of the most astonishing diversity, ranging from science fiction to Biblical interpretation to historical documentary.

As an author of science fact, Dr. Asimov could explain the most abstruse of scientific mysteries even to the neophyte. His role as the plain clothes professor introduced to many the complexities of mathematics and the wonder of the genetic code.

Dr. Asimov was conscious of technology's effect on mankind. The science of robotics, a term which he coined, was deeply intertwined with many of his writings.

I should like to offer my respect and admiration to Dr. Asimov and encourage all my colleagues to recognize him for enlightening the minds of so many readers with his wisdom. My condolences to the Asimov family.

TRIBUTE TO THE BLOOMINGTON HIGH SCHOOL MARCHING RAIDERS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EWING. Mr. Speaker, I wish to congratulate the Bloomington High School Marching Raiders from Bloomongton, IL. They have traveled to Washington, DC, to participate in the 1992 National Cherry Blossom Festival Parade on April 11, 1992. They will be representing our great State of Illinois, and those of us from central Illinois and throughout the State are very proud of their accomplishments.

Under the leadership of Ms. Ann Gore, the Marching Raiders have worked long and hard to be selected to represent Illinois in the annual Cherry Blossom Parade. Their determination and dedication to excellence have paid off. As they march through our Nation's Capital this weekend I know that all the long hours of practice and rehearsal will have been worth it to the Marching Raiders. Their friends and families back home will surely be proud of them.

I am honored to recognize the members of the BHS Marching Raiders and commend them for their talent and determination.

IN RECOGNITION OF CROATIAN, SLOVENIAN, AND BOSNIAN INDEPENDENCE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. LIPINSKI. Mr. Speaker, I was pleased to hear this morning that the administration has recognized the independence of Croatia, Slovenia, and Bosnia. I had been waiting almost a year for this to happen. Considering the death and destruction of the Yugoslavian civil war, I'm sure the wait seemed even longer for the citizens of these young states. I congratulate President Bush and Secretary Baker for finally taking this important step.

The United States was the last of the major Western powers to recognize these nations. The European Community recognized Croatia and Slovenia in January, and Bosnia just yesterday. The long wait for American recognition was frustrating, but I am gratified the administration now understands that freedom for these states is inevitable. American recognition will have a major impact in the effort to gain a lasting peace in the region.

The good news of United States recognition was, however, tempered by the latest actions of Serbian forces. Serbs in northwestern Bosnia have declared their independence from Bosnia and have vowed to join Serbia in a new Yugoslavian state. This tiny nation is divided equally by Muslims, Serbs, and Croatians, and a Bosnian civil war would be devastating. This uprising closely mirrors the Serb uprising in Croatia, which has left more than 10,000 dead and hundreds of thousands homeless. I am afraid the devastation will spread to Bosnia if the Serbs are not stopped.

Despite the continuing conflict in Bosnia and Croatia, there is reason for optimism because we have seen real progress in the peace process. The United Nations has begun to deploy 14,000 peacekeeping troops into Croatia. The cease-fire of January 3 has stopped much of the bloodshed. And the size and scope of the fighting has decreased. What we have now are small skirmishes instead of full-scale war.

So, Mr. Speaker, there is a lot of work to be done in the former Yugoslavia. American recognition of Croatia, Slovenia, and Bosnia is an important step, but only the beginning of a long process. I call on the administration to more forcefully join with the European Community in negotiating a permanent peace treaty and again offer my congratulations for this morning's announcement.

RICHWOODS KNIGHTS: AN IMPRESSIVE TEAM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues the outstanding basketball playing of the Richwoods Knights from Peoria, IL, in the AA boys State championship and during their entire season.

Although some thought they would not make it to the State championship level, the Knights made it to the championship game. They showed a high level of energy, enthusiasm, and good sportsmanship. This is a team all of Peoria can be very proud of.

At this point I would like to insert into the RECORD an article by Bob Leavitt of the Peoria Journal Star, "Knights Stall Out in Final," and congratulate the Knights and coach Hammerton for a job well done.

[From the Peoria Journal Star]

KNIGHTS STALL OUT IN FINAL

(By Bob Leavitt)

CHAMPAIGN.—The colors of the Peoria team in the Class AA boys state basketball championship game may change like the seasons.

But Saturday night in Assembly Hall, for the fourth time in the last decade, the color of Peoria's trophy remained the same—second-place silver.

That's because the other school in the 21st large-school title game remained the same.

Maywood Proviso East (33-0) made Richwoods (30-3) its 57th consecutive victim, 42-31.

Added to last year's title win over Manual, this one made Proviso East only the second back-to-back title winner in AA history.

East St. Louis Lincoln owns the state-record run with a threepeat, going triple-overtime for the third title in 1989 against yet another Peoria team, Central.

"Just like last year, the longer Proviso played down here the better they got," Richwoods coach Wayne Hammerton said.

Richwoods tried to shorten the title game, especially after Knights all-stater Troy Taylor picked up three fouls the first 5:16.

"The spread has been our best offense all year," Hammerton said of a 30-3 season. "But Proviso is just so strong inside, even after you get it there."

Proviso took away Richwoods three-point threat Frank MacIntosh after he made his second trey for a 9-6 lead.

Fouls took away Taylor. And Pirates all-state center Jamal Robinson took away Richwoods forward Sean Kimble (11 points on 5-for-15 shooting).

"I feel like I could go out and play another game right now," said Robinson, who blocked three of Kimble's layups and terminally terrified five others.

"If it's possible for an undefeated team to be underrated," Hammerton said, "I think it's them."

Richwoods started in a four-corner offense, which turned into a flat-out stall with Taylor's early exit.

But patient Proviso scored 17 of the next 22 points to lead 29-18 after three quarters.

"They're so good in their spread I didn't want to risk going out after them," said Proviso coach Bill Hitt.

"As long as we were ahead, we were going to stay back. As long as they could stay

close with Taylor on the bench, they had to hold it. Those early fouls really hurt them."

MacIntosh took game scoring honors with 15 points, 11 by the time the score was tied at 16.

Robinson topped the Pirates with 12. With Taylor in foul trouble, only the stall could guard him. And nothing could keep the 6-4½ jumping jack from 12 rebounds.

Hammerton had picked up his 500th coaching victory in the semifinals Saturday afternoon, but he hardly had time to savor it.

He viewed the milestone merely as a stepping stone. Hammerton had already tried the third-place game and found it lacking.

"I remember finishing fourth in 1975," Hammerton said of the Knights' only other final-four trophy.

"In almost four months, we'd lost only one game. Then we lost two of them in about six hours."

There were no double knockouts Saturday.

A moment or two after the final buzzer, Richwoods center Greg Clore told the story of the title game.

He picked up the ball and flipped it at the basket. Like the seven shots the classic overachiever took in the game, this one also refused to cooperate.

"After a couple games this season, I thought we could get this far," Clore said.

MacIntosh wound up with the new IHSA award for individual sportsmanship, if only for shaking hands with every player who knocked him down this weekend.

"Not too bad for a team some people didn't think should be down here," MacIntosh said of a squad not picked to win its own conference.

INSIGHT INTO NATION'S HEALTH CARE PROBLEMS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, recently I had the good fortune of meeting with Mr. Jeffrey Moll, the president of Beth Israel Hospital in Passaic, NJ. Mr. Moll has great insight into our Nation's health care problems, and the role of hospitals in an efficient health care system. For the RECORD, I would like to submit an editorial by Mr. Moll which recently appeared in the Bergen County Record.

(By Jeffrey Moll)

Traditionally, the strength of New Jersey hospitals has been measured in terms of the number of inpatients compared with the number of beds.

This view has been a standard for many hospital administrators, managers, and board members, as well as market analysts. It is on this perception that the usual course of market growth has been based—typically, the expansion of the hospital campus itself.

Interestingly enough, many analysts and state officials continue to define a hospital's primary assets in terms of its physical plant and bed capacity. However, most managers have begun to realize that this standard no longer applies—that "the bed is dead" within the health-care market.

Lately, the primary growth in hospital activity nationwide has been in outpatient services.

Although 90 percent of a hospital's business may have been inpatients 15 years ago, that figure is declining. According to statistics released by the New Jersey Hospital Association, the length of inpatient stays has decreased 16.5 percent since 1980, while outpatient visits have increased 63 percent.

In fact, gross outpatient revenue at New Jersey hospitals has increased approximately 232 percent in 10 years, compared with a 99 percent increase in inpatient revenues.

This change within the market has forced administrators to revise their health-care concepts and explore the potential for expanding beyond their traditional four walls.

Although health care is a necessary community service, it is also a business, and basic business practice dictates that services be tailored to meet market demand.

The market is now requiring medical facilities to reach out to the community. No longer does strategic planning simply translate into physical expansion, with the intent of accommodating larger inpatient populations. Those who wish to survive in the struggling New Jersey economy must reevaluate their strategies and adopt new policies that meet the growing realities of the health-care market.

Many hospitals have already begun to respond to these demands. In fact, the surge in programs conducted off hospital grounds illustrates industry efforts to adjust to the market. For instance, although house calls are a thing of the past for lots of doctors, many New Jersey hospitals have resuscitated similar services to accommodate changing needs.

Home health care in this state has undergone overwhelming growth, with nurses, dietitians, and other practitioners visiting patients.

Beth Israel alone had a 30 percent increase in such visits in 1990 compared with 1989, which was already up 20 percent from the year before. In the first eight months of this year, the hospital has been responsible for 80,000 visits to patients' homes—a 35 percent increase over last year.

Many hospitals are also starting to develop other forms of community programs. For example, some send medical vans directly to high-density neighborhoods that are often low-income as well. Immunization, screenings, physical exams, and health education will soon be conducted on location, often at a work site.

In addition to conducting extensive education programs at the workplace, many hospitals conduct screenings for cancer, substance abuse, high cholesterol, and other disorders.

Many hospitals have begun to establish satellite offices. Off-site medical centers are becoming the norm rather than the exception, gaining significant popularity and credibility with patients.

The rise in "urgent care" facilities showed the industry that such programs were not only possible but necessary. Convenience is an important priority in today's society so alternative medical care is welcome.

The perception of quality care no longer centers on a hospital bed. Patients who once used emergency rooms (sometimes inappropriately) are now using off-site facilities. People have even grown accustomed to seeking treatment at facilities within shopping centers.

Experiences within our own cancer unit are an example of the trend for off-site care.

Although cancer treatment may have once been considered an inpatient procedure, Beth Israel has witnessed a major move to outpatient services. Outpatient chemotherapy has skyrocketed about 300 percent over the last decade, and about 90 percent of radiation therapy is done on an outpatient basis.

Indeed, Beth Israel's recent plans for physical expansion have emphasized outpatient cancer treatment and same-day surgery.

To remain competitive, administrators must reconfigure their four walls to allow for new technology; they must redesign them to accommodate growing outpatient services.

In the future, patients may not even realize they are going to the hospital.

THE CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. FROST. Mr. Speaker, I rise in opposition to the conference report on campaign finance reform because of the destructive effect the conference report will have on State political parties. Under the terms of this agreement, it will be extremely difficult for State parties to conduct any of the activities they normally carry out on a combined basis on behalf of candidates for State and Federal office, thus further debilitating an already weak system of State political parties in this country.

These activities include efforts to register voters, efforts to identify supporters and to turn them out for the candidates of a particular party, and joint advertising for candidates such as slate cards, newspaper ads and other printed materials. Curtailing these activities will make it easier for wealthy individuals to attempt to buy an election for statewide office by financing their campaigns largely from their own pockets as Clayton Williams attempted to do in the 1990 Texas Governor's race.

Under current law, State parties maintain two political accounts—a Federal account (hard money) and a non-Federal account (soft money). There are strict limits on the amount individuals and PACs can contribute to a State party's hard money Federal account and more liberal limitations—if any—on what individuals and PAC's can contribute to a State party's soft money account.

When a State party wants to conduct party-building activities such as voter registration drives and telephone bank turn-out efforts on behalf of all its candidates (both State and Federal), the State party is free to fund these efforts partially from its hard money (Federal) account and partially from its soft money (non-Federal) account. The same is true for candidate specific joint activities such as the printing of slate cards and mailings featuring both State and Federal candidates. There are specific State-Federal dollar allocations required for some of these joint activities under current law, and the Federal Election Commission [FEC] by regulation has been requiring specific percentage allocations for other activities in recent years.

The bill, as passed by the House, would reform the current system by requiring a specific percentage allocation between State party Federal and non-Federal accounts for all such combined activities, with the amount depend-

ing upon whether or not the expenditures were made in a Presidential year such as 1988 or 1992 or in a non-Presidential year such as 1990. The Federal share of the allocation would be greater in Presidential years than in non-Presidential years. This is a reasonable compromise to the current statutory system that doesn't require specific percentage allocations between Federal and non-Federal dollars for many joint activities. The bill also would place a dollar ceiling on how much State parties could spend on these combined activities—varying from State-to-State, depending on the voting age population.

The conference version of the bill adopts the Senate passed provisions which virtually eliminate all combined campaign activity by State parties by requiring that anything a State party does which could in any way affect a Federal election must be financed soley with Federal account dollars. The reasoning behind this provision is that, even in non-Presidential years, candidates for the U.S. House and the U.S. Senate will benefit from State party generic efforts like voter registration and turn-out campaigns and thus a State party cannot conduct these, or any other activities, using any non-Federal (soft) dollars. This virtually puts State parties out of business.

If this conference report had been law in 1990, Clayton Williams, the Republican nominee, probably would be Governor of Texas today rather than Ann Richards, the Democratic nominee. Mr. Williams spent $20 million in his campaign, much from his own pocket. Governor Richards was able to offset this big personal money advantage by working with the State Democratic Party to conduct a combined registration and turn-out campaign even though she spent only about half what Mr. Williams did. Very little of this would have been possible under the conference version of this bill.

If this conference report had been law, the Texas Democratic Party could have conducted statewide voter registration and turnout efforts only to the extent that it could have raised hard-to-come-by federally qualifying funds, even though there was no Presidential race in 1990.

I cite the example of the Richards-Williams race because it is one I am personally familiar with. The inequity contained in this conference report, however, could apply with equal force to a State party, Democratic or Republican anywhere in this country.

Common Cause and other reformers are seeking to correct inequities in Presidential campaigns. Their approach is so sweeping that it reaches far beyond the Presidential level and threatens to destroy what remains of the American political party system on the State and local level.

The original House-passed provisions make good sense. The approach by the conferees makes no sense at all.

ECONOMIC CONVERSION IS IMPORTANT ISSUE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ASPIN. Mr. Speaker, one of the most important issues to face us in this time of great change is that of economic conversion or reinvestment. This entails taking resources that are no longer needed in defense and reinvesting them in useful economic endeavors.

Economic conversion is not a new concept. Following World War II, economic conversion was a fact of life. A product of a depression and pent-up demand, economic conversion just happened. Soldiers came home and the economy converted.

More recently, we talked about reinvestment of a peace dividend was during the war in Vietnam. Then, economic conversion was a by-product of the end of the war. Defense spending would come down after the war and conversion or reinvestment would take place. There were an awful lot of programs available to absorb that money because the Great Society was starting up and the bill for that was getting bigger and bigger.

We next heard about economic conversion in the 1980's when it had a little different twist to it. By the 1980's it was evident that one of the reasons it was so difficult to cut defense was that it would cause people to be thrown out of work. People who were interested in reducing defense expenditures thought they needed an economic conversion plan in order to find something else for people to do, a precondition to lessen the resistance to defense cuts.

This 1980's version of the conversion debate was really promoted from the more liberal end of the political spectrum. They reasoned that conversion or reinvestment has got to be part of the package or we would never, never cut defense spending.

Here we are in 1990 and economic reinvestment is back up on the screen again but the focus is different. Now reinvestment is an absolute necessity. Defense spending is coming down and it is coming down for a very fundamental reason—a large defense budget is no longer needed. And it is going to come down in spite of the fact that the economy is weakening and therefore not able to take up the slack. These stark facts drive the need for economic conversion.

Let me give you some idea of the magnitude of the problems. The Congressional Budget Office has estimated that the President's defense proposal, that is the 25 percent draw down over 5 years, would cost 800,000 jobs. That's 330,000 out of the private sector, 350,000 military personnel lost and 130,000 Pentagon civilian employees. This is a conservative estimate. Congress is likely to cut more from the defense budget over the same period. You can be sure that we are looking at a million jobs over the next 5 years. That drives home the point about economic conversion being an absolute necessity.

The money likely to be available in fiscal year 1993 to start this process of reinvestment is uncertain. The House Budget Committee set aside $1 billion from the defense budget. In any event, we're talking about major problems but not major money.

Now, Mr. Speaker, let us be frank. Some of our colleagues are disadvantaged when it comes to dealing with these major problems. Those of us on this side of the aisle are willing to provide assistance for displaced workers, but our colleagues on the other side have an administration that favors no such relief. The administration is wrapped around the axle on theological arguments. Anything other than the market is anathema to the administration and so they're stuck without any kind of conversion policy for theological reasons.

This is not to say our task is easy. Let me also be frank about something else. In this area of economic conversion it is possible to waste money, a great deal of money. We must develop a program that works and, unfortunately, past experience has not been very good in this business.

Past attempts at conversion were, at best, marginally successful. Conversion didn't work well in the past because we weren't clear about what we wanted. There was no consensus about what groups were supposed to be assisted and about what programs would work. But now, we have an opportunity to put together a program that is focused and that works.

We're basically at a crossroads. We can sign up to a bunch of feel-good conversion programs or we can be careful. We can analyze the proposals with specific objectives in mind and have some assurance that the reinvestment will help this country next year and do something in the long run.

The first thing we have to be clear about is what we are targeting. Do you look at the problem either from the standpoint of the people losing their jobs, the companies that are losing their business, or the communities impacted by the cuts? We can have a program that either goes after the problem by helping the people, or have a program helping the companies, or have a program that helps the communities to diversify. It's very important to think through all the proposals and decide just who is it that we're trying to help.

History shows that of the three, the hardest to help are the companies. I have been a student of the defense business for some time, and it has been my experience that there is a profound difference between companies that do defense work and companies that do commercial work. It is a cultural difference. People who do defense work are used to reams of paperwork and extraordinarily centralized command systems. They are used to giving performance, as much, if not more, emphasis than cost.

It is a certain culture, and those of you who have had companies in your district attempt to get into the defense business, you know how shocked they are to find how regulation- and redtape-intensive a process it is. And let me tell you, going the other way, they don't know how to do it either. The people that are in defense who want to shift to the commercial world also find that it is a different world all together. History is filled with a lot of little disasters—where Grumman tried to make buses, where Boeing tried to make mono-rails.

The second thing we have to be clear about is the underlying philosophy that animates our

efforts. Why are we acting in the area of reinvestment? Are we trying to offset a Government action? In other words, Government used to provide good jobs to these people or this company and now it's not. Are we trying to stimulate economic growth? Are we trying to offset some unfairness associated with the change in spending priorities? We should have some idea of the philosophy that provides the foundation for our actions.

So, how do we answer these questions? We have been working on a set of criteria with which to assess proposals for economic reinvestment. It is still tentative. If we come up with a set of criteria that makes sense, that gives us the right answers about reinvestment, then we can do some good.

We will be able to answer those who say we shouldn't be in the reinvestment business and we will be able to answer those who are reluctant to fund the effort for fear that its prescriptions will not help.

We now have five working criteria. I personally believe that our most pressing need is for economic growth. From growth will come the jobs we need for those no longer employed one way or another in defending our Nation. So, the first criterion is that anything we do should be likely to promote economic growth.

The second criterion is that the proposal should have as its immediate goal real, concrete results. Mr. Speaker, we have a tendency to make proposals to set up committees, to get people to meetings. We need results, not meetings. We don't want to fund meetings, we want to finance results. So any program should be result-oriented, that's number two.

The third criterion is a seemingly obvious one, but it apparently hasn't been obvious in practice. It is simply that we consider demand when we attempt to re-shape supply through reinvestment. In other words, if we promote a program to retrain workers, we'd better be sure that there's a demand for the kind of work they're being trained for. Not much point to retraining defense workers if their new skills aren't any more marketable than their old ones.

The fourth criterion is that the program should, to the maximum extent possible, take advantage of existing, successful programs. This will help us guard against waste and futility. If it's working, if it's producing real results, we don't have to re-invent it under reinvestment.

As we see things now, the final criterion is that any program should be highly leveraged. That's a fancy way of saying we should make the dollars go as far as they can. In the military, it's called a force multiplier effect. In other words, does the expenditure of this money draw out other funds, bring other efforts to bear on the problem? If it does, that's a big plus.

To recap, then, we will have about a billion from the defense budget to reinvest in our economic future. I think of it as seed money for new economic growth. Let me have your ideas for programs to promote that growth and any ideas you have on how we ought to judge which programs have the most merit.

Mr. Speaker, the two chief national security problems we face today are first, the proliferation of nuclear weapons and second, the recapturing of our international economic competitiveness. Today, I am asking the help of my colleagues on the second. We've won the cold war. Now let's turn sufficient attention and resources to the race for a better economic future.

THE UNITED STATES RECOGNIZES CROATIA—AT LAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. LANTOS. Mr. Speaker, I am delighted that at long last the President has agreed to recognize the independence of the Republic of Croatia, as well as the independence of the Republics of Slovenia and Bosnia-Hercegovina.

My only regret and disappointment, Mr. Speaker, is that this did not happen considerably earlier. Our bold foreign policy lagged substantially behind the action of our allies in the European Community. Unfortunately, we were the 53d country to recognize the Republic of Croatia. In this case, greater leadership and initiative was shown by Liechtenstein and San Marino, which recognized Croatia before our President did. I am pleased, nevertheless, that U.S. recognition has finally come.

I extend my congratulations and best wishes to the people of Croatia and to the Croatian Government. The road away from the repressive Communist government of Yugoslavia has been a long and tragic road for the Croatian people. Despite the violent and forceful opposition of the Communist government of what is left of Yugoslavia and the devastating loss of life, the Croatian people have shown their commitment to freedom and democracy, to social reform and the establishment of a market-oriented economy.

Mr. Speaker, I wish the people of Croatia success and happiness as they become a full-fledged member of the international community.

NEW HAMPSHIRE PAYS TRIBUTE TO LEONARD C. WOOD FOR HIS RECEIPT OF THE PRISONER OF WAR MEDAL

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Bow, NH, resident Leonard C. Wood for his receipt of the Prisoner of War Medal.

Leonard Wood served his country proudly as a member of the U.S. Army in World War II, fighting bravely to protect Europe from the scourge of Adolf Hitler and the Nazi party.

Mr. Speaker, Leonard Wood served in the infantry for over 2 years, and spent 6 months in a German prisoner of war camp.

I am proud to be able present Leonard Wood with the Prisoner of War Medal in tribute to his courage, dedication to country, and willingness to put his life on the line for the cause of democracy.

Mr. Speaker, after returning from Germany, Leonard Wood attended the University of New Hampshire, where he graduated in 1948 with a bachelor of science degree in hotel administration.

He then went on to faithfully serve the people of New Hampshire by working in State government for 32 years.

Leonard Wood finally retired from State government on June 30, 1988, where he had been serving as the assistant commissioner of the department of health and human services.

Mr. Speaker, Leonard Wood is also a devoted family man. He and his wife Nancy are the proud parents of a son, Martin, and a daughter, Joyce.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Leonard Wood for his receipt of the Prisoner of War Medal and a lifetime of public service.

THE POSTAL EMPLOYEES SAFETY AND HEALTH ACT

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. HAYES of Illinois. Mr. Speaker, today I am introducing legislation which will protect the 740,000 U.S. Postal Service employees from workplace hazards.

The Postal Employees Safety and Health Act is the first major overhaul of Postal Service safety and health programs since the Postal Reorganization Act of 1970.

It is estimated that as many as 90 percent of postal employees who operate letter sorting and flat sorting machines suffer from cumulative trauma disorders. Yet, it has taken the U.S. Postal Service more than 6 years and several citations from OSHA to reach an agreement on work-station improvements. Just a few months ago, OSHA cited postal facilities in Peoria, IL and Columbus, OH for ergonomic problems.

My legislation would require the Postal Service to abide by the determinations of the Occupational Safety and Health Administration or face civil and/or criminal penalties.

It is a crime to allow this situation to fester. If, as some speculate, the Postal Service has made a business decision to pay workers compensation claims rather than redesign the work station, that is cruel to employees. it is also a shortsighted, costly decision for rate payers. My bill will give employees and OSHA the teeth needed to avoid more pain and suffering.

Other aspects of the bill include: A sense of Congress that all employees are entitled to a safe and healthy work place with protection for whistle blowing; A process for the Postmaster General to establish ergonomic standards in conjunction with the Secretary of Labor within 1 year of enactment of this bill.

I hope this legislation will greatly improve the working conditions of postal employees in every postal facility in this country and I urge my colleagues to cosponsor it.

CONGRATULATIONS MERCY ACADEMY: KENTUCKY STATE BASKETBALL CHAMPIONS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MAZZOLI. Mr. Speaker, on March 21, 1992, the Jaguars of Mercy Academy in Louisville, KY won their first ever girls State basketball championship, beating Clay County 44–38.

Led by coach Leslie Scully, and assistant coach Mark Evans, Mercy steamrolled to the championship game, defeating their first three opponents by an average of 25 points. And, in the championship game, the Jaguars used their speed and quickness to overcome a taller squad from Clay County. The Jaguars were led by point guard Christina Jansen who was named most valuable player for the tournament. Joining Jansen on the all-tournament team were teammates Kristie Stuckenberg and Katie Roalofs.

Jansen also won the J.B. Mansfield Award as the tournament's outstanding student-athlete. She is not, however, the only outstanding student-athlete at Mercy, as most of the squad, including all the seniors, are honor students.

Mercy's achievement is even more remarkable since it is a small girls school with only 300 students. By the team's own admission, they couldn't have done it without the support of parents, faculty and fellow students. The foundations of their victory rest upon the unity of the entire Mercy community, not to mention the talent and the sacrifice that the team made in practice each day. Mercy's victory results from a dedication to hard work, and the devotion of the members of the Mercy community to each other.

Mr. Speaker the team members of the Girls Kentucky State Basketball Champions are: head coach; Leslie Scully, assistant coach; Mark Evans, managers; Suzy Grenough, Katie Wintergerst, Audrey Atkins, players; Michelle Amshoff, Amy Blanton, Sharon Hagan, Christina Jansen, Karmin Kupper, Polly Berth Larimore, Angie Parker, Katie Roalofs, Kristie Schuetter, Brandy Speis, Carrie Smith, Angie Strothman, and Kristie Stuckenberg.

Mr. Speaker, I am proud to be able to represent the fine young women on the team, their families, and all the faculty and students of Mercy Academy. Congratulations to Mercy on a super victory!

THE OLDER VETERANS EQUITY ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. AuCOIN. Mr. Speaker, today many of our older veterans are victims of a cruel bureaucratic injustice. Over the past several months, I've heard from literally dozens of veterans who are being turned away from the VA medical system. The VA has for years treated these vets for chronic illnesses, but now they're being told abruptly that, due to budget cuts, they have to get care somewhere else. And, oh yes, they have to pay for it out of their own pockets.

The VA medical system is faced with shrinking budgets and an aging vets population. As a cost-saving measure, the VA recently stopped treating non-service-connected chronic conditions. These are often serious ailments, the treatment for which can be a matter of life and death.

The Reagan and Bush administrations' budgets have continually fallen short of the VA's health care needs. In Oregon, the result is shocking. Since May last year, more than 4,000 veterans—most of them elderly—have been told the VA can no longer treat them.

Veterans like Ken Taylor and Chuck Maddox in my district generally don't have Medicare part B coverage because they thought they didn't need it, that the VA medical system could meet all their needs. They aren't poor enough to be eligible for Medicaid, yet can't afford private insurance. In addition, they've come to depend on the VA medical staff with whom they've built relationships.

As one vet's neighbor put it, with little overstatement, "This policy amounts to a death sentence for my friend." The VA's budget crunch is indeed real, but denying continued care to these older veterans is just plain wrong.

It is also unnecessary. Congress can help these veterans with existing resources. I'm introducing the Older Veterans Equity Act, which would get these veterans the care they need at the VA, reimbursed by other Federal programs such as Medicare.

My bill would permit elderly vets like Mr. Taylor to enroll in Medicare part B immediately—instead of waiting the several months required by current law—and continued treatment at the VA, instead of going elsewhere as the law now requires. This important change would allow VA medical facilities to recover the costs of non-service-connected care from Medicare, Medicaid, and CHAMPUS, similar to current collections from private insurance. And those monies collected will be paid to the VA facility which provided the care.

Most importantly, the Older Veterans Equity Act would right a serious wrong now being perpetrated on veterans, like Ken Taylor and Chuck Maddox, people who've made sacrifices for this country. Thirty-one of my congressional colleagues have joined me in sponsoring this legislation, which we will press to get enacted this year.

TUFTS PRESIDENT HELPS HIS UNIVERSITY STAND TALL AMID GIANTS OF ACADEME

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MOAKLEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the article from the New York Times of April 1, 1992, highlighting the efforts of Dr. Jean Mayer, the president of Tufts University, on behalf of not only Tufts University, but our entire country. Jean Mayer's leadership and service have been well documented from his early years as a French prisoner of war during World War II to his tireless efforts to improve nutrition for all Americans, as a member of the White House Commission on Hunger in the United States. These efforts and his leadership of one of America's truly outstanding academic institutions deserve our recognition.

TUFTS PRESIDENT HELPS HIS UNIVERSITY STAND TALL AMID GIANTS OF ACADEME

(By Fox Butterfield)

MEDFORD, MASS.—When Jean Mayer became president of Tufts University in 1976 it had never had a capital fund-raising campaign, and university administrators counseled him to limit a drive he was planning to $14 million. "Nonsense." Dr. Mayer said. "Let's make it $140 million."

In the end Dr. Mayer, a French-born scientist and expert on nutrition, raised $145 million. The drive was only one of several important steps Dr. Mayer has taken to help transform Tufts from a small, once-overlooked liberal arts college into a research university with a growing international reputation and a much-improved faculty and student body.

Dr. Mayer, who is 72 years old, has announced that he will resign at the end of the 1993 academic year and be elevated to the new post of chancellor. And there is widespread agreement here that the charming, talkative and often-stubborn Dr. Mayer has helped give Tufts a new sense of identity, bringing it out from under the shadow of neighboring universities like Harvard and the Massachusetts Institute of Technology.

A HIGHER PUBLIC PROFILE

"Jean has made some substantial achievements," said James O. Freedman, the president of Dartmouth College. In addition to helping Tufts raise the academic quality of its incoming freshmen, Mr. Freedman said, Dr. Mayer has used his own "well-established reputation to give Tufts a higher public profile."

Last Friday, for example, Mr. Freedman and Dr. Mayer announced an agreement to establish an innovative program under which students at Tufts' Fletcher School of Law and Diplomacy and Dartmouth's Amos Tuck School of Business Administration can earn a joint degree in international business.

Dr. Allan Callow, a professor of surgery at Washington University in St. Louis who is chairman of the Council of the Boards of Overseers of Tufts, said that one of Dr. Mayer's most important contributions was that he had "convinced the faculty and the administrators that they had the potential for being a world-class university."

"There is a bit of the evangelist about him," Dr. Callow said of Dr. Mayer (pronounced my-YAIR).

LIST OF ACCOMPLISHMENTS

Among Dr. Mayer's most important accomplishments have been the creation of a graduate school of nutrition, the building of New England's only school of veterinary medicine and the establishment of a center for environmental management. Tufts has also become less of a parochial New England institution; the number of foreign students has doubled since 1986 and the university now runs a popular European center in a converted 11th-century monastery at Talloires, France.

The university's financial condition has greatly improved. Dr. Mayer has seen the en-

dowment increase to $200 million from $30 million when he arrived. This year Tufts, which has 4,300 undergraduates and 2,200 graduate students, is scheduled to complete a second capital campaign with a goal of $250 million.

In addition, Tufts has become much more selective in its admissions policy. University officials said that the percentage of incoming freshmen who ranked in the top 10 percent of their high school graduating class rose to 74 percent last year from 38 percent in 1978, and that the Scholastic Aptitude Test scores of students admitted to Tufts had increased, too.

Luck has played a role, too. Medford, where Tufts is situated, is only five miles northwest of Boston, which has become an increasingly popular mecca for college students in recent years and has helped make the university more attractive than other colleges and universities in rural parts of the country.

ON PAR WITH NORTHWESTERN

Tufts may not yet have the prestige of the top Ivy League schools. Its yield—the percentage of applicants it admits who actually accept—was 35 percent last year. At Brown and Dartmouth, by comparison, the yield was 52 percent, officials there said.

But that yield puts Tufts on a par with such highly regarded schools as Carleton College in Minnesota or Northwestern University in Illinois, according to several admissions officials at other universities.

Despite his achievements, Dr. Mayer has not escaped criticism. The most persistent complaint is that to attract more money and raise the university's reputation he has favored its graduate schools, slighting the original liberal arts college.

In particular, there is broad resentment among many faculty members over the veterinary school, which is in Grafton, 40 miles west of Medford. Although it is partly financed by the state, the school has run deficits of as much as $3 million a year, university officials say, and many professors believe the arts and sciences college has had to make up the debt.

COVERING THE DEFICIT

In a recent interview Dr. Mayer acknowledged that about half of Tufts' current budget is devoted to the university's health schools, including an expanded medical school in downtown Boston. But he insisted "We have never taken money from another school and put it in the veterinary school."

Instead, said Steve Manos, the executive vice president of Tufts, the deficit has been covered by money from the university's reserves or annual earnings.

Dr. Mayer sees the veterinary school as a major investment that will eventually pay big dividends. When he retires next year and becomes chancellor, he said, he plans to oversee the development of a large industrial park next to the veterinary school for biotechnology companies, a rapidly growing industry in Massachusetts.

Dr. Mayer has also begun work on a $1 billion project near the railroad yards behind Boston's South Station adjacent to Tufts' medical school, for pharmaceutical research and manufacturing. "This will bring in a replacement industry for defense electronics for Massachusetts," he predicted.

In an effort to redress the balance between the graduate schools and the college. Dr. Mayer has built a series of new facilities for undergraduates in the last few years, including an arts center, a language center, a science center and a dormitory.

But many undergraduates still feel that Dr. Mayer's emphasis on the graduate schools has taken a toll on their education. In a speech last week to the trustees, Alexa Leon-Prado, the president of the student government said students "are made aware of this each time they call a friend at Harvard to borrow a book," because of the lack of an adequate library.

Nevertheless. Ms. Leon-Prado, a senior from Irvine, Calif., credited Dr. Mayer with having done "an amazing job" in building up the university's reputation. "I don't think I would have come to Tufts if he hadn't made it what it is," she said.

LYME DISEASE IS A GROWING EPIDEMIC

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. APPLEGATE. Mr. Speaker, I rise today to bring attention to the growing number of men, women, and children within our country suffering from the devastating effects of Lyme disease. An increased public awareness and understanding of the disease is essential to help curb the growing number of cases which are reported each year.

Lyme disease is a complex, multisystem illness caused by a tick-transmitted spirochete. The early stages are marked by skin lesions often accompanied by fever and muscle pain. In its more severe stages Lyme disease leaves its victims with chronic or intermittent arthritis and neurologic or heart abnormalities.

More and more cases of Lyme disease are being identified each year. In 1979, the disease had been reported in only 10 States; it has now been reported in 49 States. Because diagnosis of the disease is difficult and public awareness is limited, it is estimated that thousands of cases have gone unreported and untreated. The ticks that spread the disease live in grassy wooded areas and feed mostly on deer and other forest animals; therefore people who frequent the woods and forest edges such as campers, hikers, and outdoor workers are most likely to come into contact with the tick. However, because new home development has encroached on the woodland, Lyme disease also has become a suburban illness. As there is no vaccine and no proven method of controlling the tick population, it is expected that the number of cases of Lyme disease will continue to rise. If detected early, it may be curable. When the disease progresses to later stages treatment becomes more difficult and less reliable.

Mr. Speaker, the need for increased public awareness cannot be overstated. We must educate the general public, as well as health care professionals, on the means of prevention in order to curtail this growing epidemic.

BRONX BOARD OF REALTORS 68TH ANNUAL BANQUET

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ENGEL. Mr. Speaker, on April 9, 1992, the Bronx Board of Realtors will be holding its 68th annual banquet.

The Bronx Board of Realtors is the professional trade association and official representative of the real estate industry in my county. With some 700 members, the Bronx board is deeply involved with the economic growth and development of the county. It provides leadership and guidance to the general business community.

But, the Bronx Board of Realtors does not limit its activities just to the advancement of its own profession. It is an organization that is committed to the people of the Bronx and to its neighborhoods. The Bronx Board of Realtors provides help to the poor and disabled through its holiday drives. It sponsors much needed educational programs for the young with its essay contest and scholarship award.

I join the people of the Bronx in congratulating the Bronx Board of Realtors for caring about our county.

AMERICAN AIRLINES DECLARED TOP DOMESTIC AIRLINE

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GLICKMAN. Mr. Speaker, 55 years ago, Amelia Earhart set off on a legendary, around-the-world flight. Her en route disappearance sparked one of the greatest mysteries in aviation history, a mystery whose possible resolution received front page coverage in newspapers across the country.

Certainly, Ms. Earhart's spirit and determination earned her a prominent position in the annals of aviation history. Through her efforts, and those of her colleagues, the United States has unquestionably become the world leader in the field of aviation.

The industry, however, is not content to rest on its laurels. Instead, it continues to strive for excellence.

I am extremely proud to say that the National Institute for Aviation Research is integrally involved in this pursuit of excellence. Located in my congressional district at Wichita State University, the Institute's capabilities and state-of-the-art facilities are earning it its own place in aviation history.

One of the Institute's more recent accomplishments is its development of an airline quality rating [AQR], which evaluates the comparative quality of those nine U.S. airlines with annual revenues of $1 billion or more. Developed by Dr. Brent Bowen and Dr. Dean Headly, the AQR incorporates 19 different weighted measures of airline service, including timeliness, safety, aircraft age, baggage handling, overbooks, and customer complaints. The nine different airlines are then ranked in

accordance with their capabilities in these different areas.

Earlier this month, the Institute released an annual report card of the aviation industry. The Institute gave top honors to American Airlines, dubbing it the industry's No. 1 carrier. Moreover, the Institute applauded American's consistently superior performance, noting that the company achieved the No. 1 ranking in each of the months under consideration.

This is not the first time the Institute has acknowledge American's prominent position in the industry. In a report issued last April, the Institute declared American the top domestic airline as of January 1991.

I would like to commend American Airlines for its extremely admirable performance. I urge them to keep up their tradition of excellence.

H.R. 4722 THE MARINE AND COASTAL ENVIRONMENT AND GLOBAL CLIMATE PROTECTION ACT OF 1992

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. JONES of North Carolina. Mr. Speaker, on April 1, I introduced H.R. 4722, a bill that I hope will become part of the Merchant Marine and Fisheries Committee's contribution to the House national energy bill. It addresses a broad range of issues associated with the development of offshore oil and gas, other coastal-related energy activity, the protection of our coastal environmental, and funding efforts to address the problems related to global climate change.

The legislation reported by the Committee on Energy and Commerce focuses our attention on a comprehensive national energy strategy. It is clear that this strategy can no longer simply call for more oil production as a cure-all for our Nation's energy ills. Its components must balance our need for secure and adequate energy resources to fuel our homes, our cars, and our industries, with our desire to protect and heal our global environment.

The bill reported from the Energy and Commerce Committee, H.R. 776, deals with many of these issues; it restructures the electricity industry, requires greater energy efficiency and the use of alternative fuels, and seeks to lessen U.S. dependence on imported oil. But, because the Energy and Commerce Committee does not have jurisdiction over offshore oil and gas development on our outer Continental Shelf [OCS], the bill is silent on this major component of our energy mix. To fill this void and to provide a House counterpart to the OCS provision in the Senate energy bill, I have introduced the Marine and Coastal Environment and Global Climate Protection Act of 1992.

This bill has five titles, the first of which incorporates a concept that I have introduced on three prior occasions—OCS impact assistance/coastal protection block grants. Each of my three prior bills, introduced in the early years of the Reagan administration, enjoyed great success here in the House. By increasing margins, we passed OCS impact assistance/block grant bills in the House in 1982, 1983, and in 1984 we approved a conference report that has been negotiated with the Senate—S. 2463—by a vote of 312–94 with a majority of Democrats, 230–23, and a majority of Republicans, 82–71, voting to support. Unfortunately, the conference report came up in the Senate just before adjournment, and it was blocked.

Those bills had been carefully balanced between providing money to States for ameliorating the impacts from offshore oil development and other coastal-related energy activity and protecting the marine environment. So, too, is the bill that I just introduced.

It is based on a sound and proven concept of public policy: Specifically, that it is in the long-term interest of the Nation to take a modest portion of the revenues received by the Federal Government from the development of nonrenewable energy resources and invest it in the States for conservation and management of renewal resources; that is, the ocean and coastal environments. H.R. 4722, therefore, rests on a strong and reasonable conceptual foundation which incorporates the ideas of cooperation, mutual benefit, and long-term investment and management.

H.R. 4722 evolved from twin truths. First, the oil and gas resources of the Outer Continental Shelf have been, and continue to be, productive and important sources of domestic energy. Second, offshore drilling has, in many States, become a lightning rod for serious environmental concerns and strong community-based opposition.

With this in mind, my bill has several goals:

To recognize that Federal energy leasing and development decisions have socioeconomic and environmental impacts on those States and communities in which production operations occur or which are adjacent to such operations;

To give States the resources necessary to ameliorate negative impacts by providing a proper share of the revenues the Federal Government realizes from offshore development;

To protect the rights of States which do not want oil and gas drilling along their coastlines;

To require a complete understanding of any environmental problems that may be attached to offshore development before leasing occurs;

To devote a portion of the Federal revenues from offshore development to an international effort to cool down global warming.

My bill recognizes that States with oil and gas production off their shores bear much of the onshore burden of this industry and that they have done so for years with only a very recent and a very modest share in the profits. It also acknowledges that other ocean and Great Lakes States also experience adverse impacts from the siting and operation of coastal-related energy facilities. My bill directs the Federal Government to share a small portion—no more than 4 percent of the $2.5 to $3 billion it receives annually from OCS revenues—with Coastal States.

The legislation I just introduced recognizes that many States, especially those like my own home of North Carolina that has never had any energy development offshore, are wary of, if not outright hostile to, this industry. It also recognizes that all States have legitimate concerns about the potential for environmental damage from coastal-related energy activity and off-shore oil and gas drilling.

Over 2 years ago, the National Research Council [NRC] issued a report noting that there was insufficient information about the environmental and socioeconomic effects of energy development off the coasts of Florida and California. This finding was somewhat surprising since the coasts of both States had received an enormous amount of attention and environmental study. If this was inadequate, certainly the information about other areas which had undergone significantly less study, must be highly deficient.

On the heels of the NRC report, President Bush, on one of his few environmental President days, announced a 10-year moratorium in the OCS Program off Florida and California as well as New England and the Pacific Northwest. Left in the lurch by the Bush announcement were those States, like North Carolina, that were not included in the moratorium but which had exactly the same concerns as those put off limits. My bill fixes this.

My bill establishes a moratorium that embraces every State that wants one. The North Atlantic planning area. The Mid-Atlantic planning area. The South Atlantic planning area. The Straits of Florida planning area. Most of the eastern Gulf of Mexico planning area. The southern California, central California, and northern California planning areas. The Washington and Oregon planning area. And the North Aleutian planning area in Alaska.

Under the provisions of H.R. 4722, no preleasing or leasing activities can take place in these planning areas before January 1, 2000. However, should a State's Governor wish that State to participate in the OCS Program, my bill includes an "opt-in" provision. A Governor can request a lease sale and set the terms and conditions under which it will be carried out.

In addition to the moratoria, my bill requires that the deficiencies found by the NRC report and similar studies be corrected before any leasing takes place after the year 2000 and further requires a showing that the potential resources warrant the activity and that it can be done in an environmentally safe manner.

This means that no lease sale may take place unless adequate scientific and technical information regarding mineral and biological resource potential is available, the Secretary of the Interior determines that development is needed to meet the energy needs of the Nation, and adequate physical oceanographic, ecological, and socioeconomic information is available.

Importantly for those on all sides—the industry, the Federal Government, the States, and the environmental community—my bill streamlines the lease buyback provisions of the Outer Continental Shelf Lands Act. It expands the allowable compensation for a Federal buyback of a lease to include a credit against rents or royalties owed the Federal Government under the OCSLA or the Mineral Leasing Act. And it sets in motion an expedited process for buying back leases in the ecologically sensitive areas off North Carolina and south Florida and in Bristol Bay, AK.

Finally, but I think significantly, H.R. 4722 also establishes a linkage between the wealth

possible from OCS production and the environmental costs our country and all others now face as a result of our fossil fuel usage. My bill directs that 10 percent of the Federal royalties from the OCS Program be deposited in a fund in the Treasury as the U.S. share of global efforts to address climate change.

The establishment of this fund will demonstrate that the United States is taking concrete steps to address the issue of climate change in spite of the scientific uncertainties and political complexities that stand in the way of collective action. While the press reports on the deliberations of the Intergovernmental Negotiating Committee [INC] on Climate Change have focused on the unwillingness of the Bush administration to agree to specific carbon dioxide targets, I submit that equally important is the more far-reaching question of how to reach agreement with developing countries on curbing the future growth of greenhouse gases.

We all now realize that oil pumped from the ocean floor into our cars and our factories will eventually end up poking a hole in the Earth's atmosphere. Doesn't it make good sense to shear off a tiny bit of the upfront profits from fossil fuel extraction to pay not only for the end result damages but possibly even prevent them?

This is a first, but critically important, step that Congress can take as simple insurance against the prospect of significant change to our planet and way of life. It is appropriate that we look at this issue in the context of our deliberations on a national energy strategy.

Efforts to move toward increased energy efficiency, greater use of alternative fuels, and additional research on renewable sources of energy provides a foundation on the domestic side which makes it easier to promote change in the international arena. The establishment of this fund will help promote such a change.

Mr. Speaker, I urge all Members to support my committee in our efforts to make our OCS Program as productive and responsible as it must be as well prepare for the next century and begin the long process of addressing the financial requirements associated with global climate change issues. I applaud the Committee on Energy and Commerce for its noble work on H.R. 776, and I look forward to strengthening it even further by the addition of the provisions contained in H.R. 4722.

I have attached to this statement a summary of H.R. 4722. Any Member who may want to cosponsor the bill may do so by calling the Committee on Merchant Marine and Fisheries.

SUMMARY OF H.R. 4722, THE MARINE AND COASTAL ENVIRONMENT AND GLOBAL CLIMATE PROTECTION ACT OF 1992

TITLE I—OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANTS

Except for a few technical and other modest changes, title I of the bill is almost identical to the Outer Continental Shelf (OCS) block grant legislation that was reported by the Committee (H.R. 5) and passed by the House on four separate occasions in the 1980's. Specifically, the key provisions are essentially those contained in a 1984 House-passed conference report (S. 2463) and include:

Establishment of a Treasury Department fund for the purpose of depositing an annual amount equal to 4 percent of the average of all OCS revenues from the three previous fiscal years. Based on present projections, the fund should receive approximately $100–120 million per year.

Disbursements from the Fund are subject to appropriations and annual increases are limited to 5%.

Each state's annual share of the Fund is determined by a formula which takes into consideration the level of actual OCS leasing activity, offshore oil and gas first landed, proposed lease sales, the presence of energy facilities in the coastal zone, shoreline mileage and coastal population.

No state can receive more than 15% of the total available to the Fund in any given year and no state with an approved coastal zone management program shall receive less than 1.62%.

Block grants from the Fund shall be used by coastal states for the enhancement and management of ocean and coastal resources, and for the amelioration of any adverse impacts that result from the siting, construction, expansion, or operation of coastal-related energy facilities.

Local coastal governments shall receive at least one-third of the total block grant for each state.

TITLE II—GLOBAL CLIMATE CHANGE RESPONSE FUND

Title II establishes a "Global Climate Change Response Fund" in the U.S. Treasury for the purpose of making money available to the President for making contributions to an agreed-upon financial mechanism which may be set up under the United Nations to help countries respond to global climate change. Key features of this title include:

10% of all royalties received from the OCS after enactment of the bill will be deposited into the newly created fund.

Monies from the fund are subject to appropriations and can be used by the President only to make annual contributions to any agreed-upon financial mechanism that results from the current negotiations on a global climate change treaty that are taking place under the auspices of the United Nations.

Nothing in this title will reduce any amounts required to be credited to the Land and Water Conservation Fund or the Historic Preservation Fund.

TITLE III—REVISIONS TO THE OUTER CONTINENTAL SHELF PROGRAM

Title III places many OCS planning areas off-limits to oil and gas preleasing and leasing activities until the year 2000 and makes leasing after that dependent on the Secretary of Interior making certain findings and conducting specified studies. It also authorizes the "buyback" of certain active leases off North Carolina and South Florida and calls for a plan to cancel and buyback leases in Bristol Bay, Alaska. Key provisions of this title include:

No lease sale may be held beyond the year 2000 for those areas placed under moratoria in the bill unless the Secretary of Interior finds that adequate scientific, technical, and environmental information is available and that development of such areas is necessary to meet the energy needs of the Nation taking into account alternative energy sources, including foreign sources.

North Atlantic Planning Area—No prelease activity or lease sale before the year 2000, and thereafter, only if geological studies demonstrate that development is warranted because of resource potential and environmental assessments provide substantial evidence that development can be carried out in an environmentally sound manner.

Mid-Atlantic Planning Area—Some assessment requirement and preleasing and leasing prohibitions before the year 2000 as in the North Atlantic.

Straits of Florida Planning Area—Same assessments requirements and preleasing and leasing prohibitions before the year 2000 as in the North Atlantic.

Eastern Gulf of Mexico Planning Area—For the area south of 26 degrees North Latitude, no prelease activity or lease sale before the year 2000 and thereafter only if the studies mandated by a National Research Council report are completed. The Secretary is authorized and encouraged to buyback active leases in this area on or after October 1, 1992. In the area north of 26 degrees North Latitude and east of the lateral seaward boundary between Alabama and Florida, no prelease activity or lease sale may take place, before the year 2000, within 30 nautical miles of the coast of Florida.

Southern, Central, and Northern California Planning Areas—No prelease activity or lease sale before the year 2000 and no activity beyond that date unless the studies mandated by the National Research Council's report and additional research on oil spills have been completed.

Washington-Oregon Planning Area—No prelease activity or lease sale before the year 2000, and no activity beyond that date unless the studies recommended by the Pacific Northwest OCS Task Force have been completed.

North Aleutian Basin Planning Area—No prelease activity or lease sales shall be conducted and no permits or exploration or development plans shall be approved before October 1, 1995; the Secretary of Interior shall negotiate with the State of Alaska and other appropriate parties to prepare a plan for the cancellation of existing leases in the planning areas.

Notwithstanding the moratoria listed in Title III, the governor of an affected state may request that a lease sale be held off his or her state before 2000 if the governor of any other affected state does not object and the Secretary of Interior agrees to the terms, conditions, and restrictions planed on the sale by the requesting governor.

TITLE IV—ENVIRONMENTAL STUDIES PROGRAM

The environmental studies program established under section 20 of the Outer Continental Shelf Lands Act (OCSLA) is amended to include:

A requirement that studies conducted under section 20 shall include an assessment of the adequacy of the available environmental and socioeconomic information.

A requirement that all studies under this section be subject to peer review and published six months prior to the holding of a lease sale for all planning areas except Alaska and the Central and Western Gulf of Mexico.

TITLE V—MISCELLANEOUS

Title V makes the following amendments to section 5 of the OCSLA:

Authorizes Congress, as well as the Secretary of Interior to suspend leases.

Reduces the mandatory suspension waiting period prior to cancelling a lease from five to two years.

Provides that compensation for a lease cancellation may take the form of cash, credits against OCS royalty or rental obligations, or both.